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THE PRINCIPLES
OF THE
WESTMINSTER STANDARDS
PERSECUTING.

BY
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EDINBURGH:
WILLIAM OLIPHANT & CO.

1873.

"Persecution is the deadly sin of the Reformed Churches, that which cools every honest man's zeal for their cause, in proportion as his reading becomes more extensive."—HALLAM.

"I know the usual pretences for persecution. 'Such a thing is blasphemy : ' but search the Scriptures, look at the definitions of divines, and you will find heresy, in what head of religion soever it be, and blasphemy very different. 'To spread such errors will be destructive to souls : ' so are many things which yet are not punishable with death. Let him that thinks so go kill Pagans and Mahometans. 'Such a heresy is a canker : ' but it is a spiritual one, let it be prevented by spiritual means ; cutting off men's heads is no proper remedy for it. If state physicians think otherwise, I say no more, but that I am not of the college."—OWEN.

"As the very Apostles who inculcated, without any express limitation or exception, submission to civic rulers, and though Pagans, described them as powers '*ordained of God*' for the punishment of evil-doers, yet taught men, both by precept and example, to hold fast their faith in disobedience to the commands of the rulers, it is manifest they must have meant, and their hearers must have understood them to mean, that the province of the *civil ruler is limited to secular concerns*. For civil magistrates, therefore, to employ their coercive power in the cause of Christianity, is not, as some think, to act, as civil magistrates, on Christian principles, but rather to *cease to act on them*."—ARCHBISHOP WHATELY.

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CHAPTER I.

INTRODUCTORY.

DO the Westminster Standards teach persecuting principles in religion?

This is the question which I propose to handle ; and the importance of it can hardly be overrated. It deeply concerns the Churches which adhere to these Books as their subordinate standards ; and these are all the Presbyterian Churches of the United Kingdom. The Established Church of Scotland adheres to the "whole doctrine" of them, with a slightly qualifying explanation of the second article of the thirty-first chapter of the Confession. The English Presbyterian Church does the same. The Irish Presbyterian Church does the same. The Original Secession Church does the same. The Reformed Presbyterian Church does the same ; declaring in its Testimony, however, that it is "not pledged to defend every sentiment or expression" to be found in the Covenants and the Westminster Standards, and explicitly asserting that "to employ civil coercion of any kind for the purpose of inducing men to renounce an erroneous creed, or to espouse and profess a sound scriptural one, is incompatible with the nature of true religion, and must ever prove ineffectual in practice." The Free Church of Scotland does the same ; but in 1846 it passed an Act anent "Questions and Formulas," in which it is declared : "The General Assembly, in

passing this Act, think it right to declare that, while the Church firmly maintains the same scriptural principles as to the duties of nations and their rulers in reference to religion and the Church of Christ for which she has hitherto contended, she disclaims intolerant or persecuting principles, and does not regard her Confession of Faith, or any portion thereof, when fairly interpreted, as favouring intolerance or persecution, or consider that her office-bearers, by subscribing it, profess any principles inconsistent with liberty of conscience and the right of private judgment." The United Presbyterian Church has met difficulties connected with an unlimited adherence to their Books, by introducing into its Formulas the following clause :—"It being understood that you are not required to approve of any thing in these documents which teaches, or is supposed to teach, compulsory or persecuting and intolerant principles in religion."

The question to be handled deeply concerns the Commonwealth also. The Westminster Confession, it has been often and boastfully said, is the law of the land. It is a part of the Statute-Book ; and if it teaches persecuting principles in religion, our country lies under a reproach, of which every patriotic citizen must be ashamed, and which he must be anxious to see wiped away ; the more so, that Scotland has been honoured to do so much for the great cause of civil and religious liberty.

On the subject to be discussed I am in advance of the Church to which I have the privilege of belonging. It has not pronounced the principles of the Westminster Standards persecuting. It has only made this an "open question." It has only said that if they are persecuting, or are supposed to be so, entrants into its offices are not required to approve of them. I am, and have long been, convinced that the Westminster Standards do teach persecuting principles in

religion ; and I feel called upon in these times to state the grounds on which this conviction rests.

In obeying this call, I undertake, I am well aware, a somewhat thankless task. I shall controvert opinions which, if received by not a few more on authority than after personal examination, are not, on that account, held less firmly and obstinately. I shall offend prejudices which, if venerable and even amiable, are yet keen and strong. I shall impugn formularies which hosts of subscribers are pledged in fidelity and consistency to defend, and to the defence of which some have specially committed themselves, in pursuance of a policy which is proving awkwardly troublesome. The very announcement of my object in this Tractate will be enough to make many set me down as presumptuous and profane ; and whether I shall be answered by argument or not, I am sure of being denounced as a libeller. Indeed, I am already warned of my fate. A late writer says :—

“The Confession of Faith has often been accused of advocating intolerant and persecuting principles. It is, however, in truth, equally free from latitudinarian laxity on the one hand, and intolerance on the other. . . . Nothing, in our opinion, but a wilful determination to misrepresent the sentiments expressed in the Confession of Faith, or a culpable degree of wilful ignorance respecting the true meaning of the sentiments, could induce any man to accuse it of favouring intolerant and persecuting principles. Certainly the conduct of those who framed it gave no countenance to such an accusation, though that calumny has been often and most pertinaciously asserted. On this point, also, it would be well if people would take the trouble to ascertain what precise meaning the framers of the Confession gave to the words which they employed ; for it is not doing justice to them and their work to adopt some modern acceptance

of a term used by them in a different sense, and then to charge them with holding the sentiment conveyed by the modern use or misuse of that term. Yet this is the method almost invariably employed by the assailants of the Confession of Faith. . . . Let the intelligent and candid reader peruse carefully the above-mentioned passages, and he cannot but perceive the folly, absurdity, or perverse malevolence of those who accuse the Confession of Faith of being tainted with intolerance. . . . It is painful to be constrained even to allude to such calumnious charges, and that, too, by some who either do know, or ought to know, that they are utterly untrue. 'What shall I do in order to become famous?' said an ambitious youth to an ancient sophist. 'Kill a man who is famous already, and then your name will be always mentioned along with his,' was the sophist's reply. On some such principle these men seem to act, who charge the Confession of Faith with intolerance, as if that were the ready way to procure renown. But the sophist neglected to draw the distinction between fame and infamy; and it may ultimately appear that those who seek celebrity by attempting to kill the reputation of the Westminster divines, have committed a similar mistake."*

I am not moved by these liberal censures, nor am I frightened by this kindly warning. I venture to bring against the Westminster Standards the charge of intolerance and persecution so indignantly repelled; and I am not without hope, that by the evidence which I shall endeavour calmly and candidly to lead, I may contribute something to bring all reasonable controversy on the subject to an end. And I disavow, once for all, any felonious design on "the reputation of the Westminster divines." I yield to none in my

* Dr. HETHERINGTON. *Introduction to Shaw's Exposition of the Confession.*

admiration of those men, and of the work which they did. They will be held in everlasting honour : but they were not infallible ; and he is a very indiscreet friend of their memory, who perils their fame on the tolerance of their principles. Had it rested there, it would ere now have been buried in oblivion.

What is persecution in religion? This is a preliminary point, which must be raised and settled, and on which disputants as to the principles of the Standards must agree before they can make one step of progress. Persecuting principles in religion are principles which sanction or countenance persecution. But whether a given set of principles do this, it is impossible to decide, till persecution has been defined, and the definition has been accepted. And I do strongly suspect, that some latent difference as to what persecution really is, must lie at the root of the strife in which I am now to take part. I cannot otherwise satisfactorily explain to myself, how I should be *affirming*, and how many friends of such enlightenment and ability and candour should be *denying*, that the Westminster Standards teach persecuting principles in religion.

What, then, is persecution? The answers are many and diverse.

According to some, persecution is forcing conscience. It is forcing conscience to receive a religion which it disapproves. This was Queen Elizabeth's idea of persecution. Her secretary, Walsingham, explaining her policy, said that one of the principles of it was, " that consciences are not to be forced, but to be won ;" and the Queen published, in one of her royal declarations, that " she did not inquire into the sentiments of people's mind, but only required an external conformity to the laws ; and that all that came to church, and observed her injunctions, should be deemed good sub-

jects." Conscience, happily, cannot be forced, in Elizabeth's sense of the words; and if persecution consisted only in forcing conscience, in her sense, then there had never been persecution on the face of the earth. But what bitter irony to tell her subjects, forced to "external conformity to the laws" on religion, that they were not persecuted! A fine way, truly, of "winning" their consciences, to deny them any voice as to the faith they should profess, and the worship they should practise! Well has Neal observed, "The Queen's worst maxim was, that while she pretended not to force the consciences of her subjects, she obliged them, under the severest penalties, to come to church, and make an outward profession of that way of worship which they inwardly disallowed. This was to establish hypocrisy by a law, and to force men to deal falsely with God and their own consciences, in matters of the most solemn importance."*

According to others, persecution is doing the very thing which Elizabeth did, and boasted of as showing the lenity and gentleness of her policy. It is forcing people to profess and practise a religion of which their consciences disapprove. This was Professor Dunlop's idea of persecution; and agreeably with it he says, in his Preface to *Collection of Confessions*: "It is a truth as clear as the sun that there is no such thing as persecution in our Church,—that persons enjoy as undisturbed a freedom of thought in our country as anywhere else, and upon a change of their sentiments, never need such an alteration in the climate as should force them to live elsewhere. Nor can any one instance be given where ever any man was fined, or imprisoned, or exposed to any hardship, because of his departing from our Confession." At the time when this "blessed state of things" obtained in Scotland, the public worship of the Episcopalians was interdicted by law.

* *History of the Puritans*, i. 470.

Yet there was "no such thing as persecution!" The explanation of the Professor's paradox is: "There had been no laws in Scotland since the Revolution against men professing and publishing Episcopalian principles,—no laws requiring them to attend the Established Church,—no pains and penalties inflicted on these accounts. It was then held by many, that this was all that toleration implied, and that while the Episcopalians enjoyed this liberty, they could not be said to be persecuted, even though they were not permitted to have meeting-houses for the public administration of their worship."*

According to a third class, persecution is undue severity on religious delinquents. It lies in the excess of the restraints and punishments to which they are subjected. Mr. Southey must have had this idea of it, when he wrote that "the Church of England and the Queen, its refounder, are clear of persecution, as regards the Catholics." Hallam divines that, in this most astounding statement, Mr. Southey "seems chiefly to have in his mind *capital* inflictions for heresy."† The Church of England and its Queen are clear of persecuting the Catholics, because they did not punish them *capitally* for heresy! Fox, the martyrologist, was still more favourable to England's Church and Queen. He seems to have had rather a fondness for all sorts of capital inflictions on religious offenders, *burning* excepted. This alone would, I suppose, be persecution in his vocabulary. He "addressed to Queen Elizabeth an earnest entreaty that she would be pleased to put a stop, not to persecution, but only to the *burning* of the Anabaptists in Smithfield. He seems to have thought it a great deal too much to seek that no punishments,

* Principal CUNNINGHAM. *Discussions on Church Principles*, 476, 477.

† *Constitutional History of England*, 98. A. Murray's edition.

even no capital punishments, should be inflicted for the crime of dissent ; he merely begs that such ‘ horrors ’ as burning should be disallowed. ‘ There are chains,’ says Fox, ‘ there is exile, there are branding and stripes, and even the gibbet ; this alone (burning) I earnestly deprecate.’ It is only one form of cruelty that shocks the soul of the martyrologist ; he seems to have felt great ‘ horror ’ at the infliction of death by fire ; but he makes no objection to the application of such other specifics, in case of non-conformity or dissent, as chains, exile, branding, stripes, and even the gallows itself. Disallow fire, and he is satisfied. What a picture does this exhibit of the glorious reign of ‘ the good Queen Bess ! ’” *

According to a fourth class, persecution is suffering only for the true religion. A very favourite definition of it this, and it is certainly a very convenient one. It has this obvious and great advantage. Persecutors have only to assume, as they always do, that their religion is the true one, the only true one ; and then, however they may behead, or hang, or even burn, those who differ from them, their vindication is ready. They have done God service, and have rendered unto evil doers according to their deeds. The massacre of St. Bartholomew, if we may believe Papists, was not persecution, but the righteous vengeance of heaven on “ the enemies of God and religion,” over which Rome rejoiced, the Pope lauding the pious zeal of the young monarch, Charles IX., and ordering a jubilee to be celebrated for the bloody tragedy throughout Christendom. In like manner, the burning of the arch-heretic, Servetus, if we may believe many Protestants, was not persecution, but another instance of heaven’s righteous vengeance—Bucer preaching that Servetus “ deserved to have his bowels torn out ; ” and Melancthon writing to Bullinger : “ I have read what you

* *Encyclopedia Britannica*. Article “ Locke,” foot-note.

have written concerning the blasphemies of Servetus, and I approve of your piety and judgment. I think, also, that the senate of Geneva have done right, that they have put to death that obstinate person, who would not cease to blaspheme; and I wonder that there are any who disapprove that severity."

All this diversity of view shows how necessary it is to settle what persecution is; and there is no difficulty in doing this. There is no mystery in the matter. A man is persecuted when he suffers for religion. Any and every penalty inflicted on him on account of religion, is persecution. The penalty may be greater, or it may be less, for the degrees of persecution are manifold; but that does not alter the case. Distinguishing religious delinquency from treason, with which it was so long and so mischievously confounded, Hallam says, with happy exactness: "A man is punished for religion, when he incurs a penalty for its profession and exercise, to which he was not liable on any other account;"* and every such man is persecuted.

Persecution is punishment for religion; or, as the definition has been otherwise expressed, it is "punishment upon religious grounds." The case of Daniel in Babylon (Dan. vi.) is a case in point. The presidents and princes would fain have found some other occasion against him, but they could not. After taking counsel, their unanimous conclusion was, "We shall not find any occasion against this Daniel, except we find *it* against him concerning the law of his God." The den of lions was the penalty inflicted on him for praying to his God, "as he did aforetime," in the face of Darius' impious decree. The case of Peter and John in Jerusalem (Acts v., vi.) is another case in point. The imprisonment, the threatening, and the beating, were their penalty for

* *Constitutional History of England*, 127.

“teaching in the name of Jesus,” and “obeying God rather than man.”

Persecution is punishment on religious grounds ; and the punishment is persecution wherever the *real* ground of it is religion, whatever the *pretence* may be. This remark is the more necessary, because one of the artifices of certain persecutors, in order to whitewash their persecutions, has been to colour them with another pretence. The Author of Christianity was crucified on the pretence of his being an enemy of Cæsar. This was the main, if not the only, ground on which Pilate gave sentence, that it should be as the Jews required. And many of His followers have suffered on the gibbet and at the stake on the same pretence. The Stuarts proclaimed our Covenanting ancestors “rebels and traitors,” and then proceeded to exterminate them. The pretence is too flimsy to impose upon any one. Their religion was their crime, their sole crime. The Master suffered for “bearing witness to the truth ;” and they were martyred for their loyalty to him.

The real ground of the punishment which constitutes persecution, is religion ; and this has another application. A single example will make my meaning plain. Sedition is sedition, however it may be varnished with the “colour of conscience or religion.” A seditious person is not persecuted, but justly punished, however he may attempt to whitewash his crime by calling it his religion, or to justify it by pleas drawn from religious considerations. He is justly punished, “not because he is an erroneous Christian, but because he is a bad subject, a hurtful member of civil society.” As my ecclesiastical fathers put it, with much precision :—

“A liberty of worshipping God in the way which they judge agreeable to His will, is a right common to all men. They may, and often do err, and offend the Most High God,

by substituting a false worship in place of that which He requires ; but no power on earth may take their right from them ; yet this cannot be pleaded in behalf of principles or practices obviously hurtful to society, still less in behalf of those which are subversive of it. Therefore, the civil magistrate does not go beyond the duty of his office, when he punishes such practices, or restrains the propagation of such principles.”*


It is a maxim, that the resolving of the previous question is a key to the main one ; and I have therefore dealt the more carefully with this preliminary matter. I only add, that the fundamental principle of persecution in religion is apparent from what has been said. It is the authority of man over man in matters of religion. State persecution, of which alone I am to treat, has its origin and its basis in the pestilent doctrine of the civil magistrate’s authority over his subjects in these matters. Grant him such authority, say that it is his duty to exercise it, and persecution follows of course. He exercises his authority by giving law to his subjects in religion ; an act as tyrannous as it is incompetent. The law he gives he must enforce ; and the enforcing of it is persecution in active operation. The only antidote for this tremendous evil is, confining the civil power to its own sphere, and shutting it out of a domain, where He who “alone is Lord of the conscience” has a right to rule, and is fit to do so. “No man has a right to dictate or prescribe authoritatively to another in matters of religion,—it is unwarrantable and unlawful to inflict temporal punishments merely on account of errors in religious opinion,—and, of course, it is robbery to take away men’s property, and murder to take away their lives, merely on this ground.”†

* *Testimony of the General Associate Synod*, 195.

† Principal CUNNINGHAM. *Historical Theology*, i. 398.

CHAPTER II.

PERSECUTING PRINCIPLES OF THE SCOTTISH REFORMERS PRIOR TO THE ERA OF THE WESTMINSTER ASSEMBLY.

 GLANCE at the principles of the Scottish Reformers prior to the era of the Westminster Assembly will materially conduce to an intelligent and satisfactory decision of the question at issue.

The Protestant Reformers in leaving Rome did not leave all Romanism behind them. In particular, they brought with them the persecuting principles of Rome, and worked them freely and vigorously in support of the Reformed faith. They changed the Pope but not the popedom, as our Presbyterian fathers were in the habit of phrasing it; but the merit of this discovery does not belong to them. They were anticipated in it by men on the Continent, who, like Coornhert, were fully alive to this most grievous error of the Protestant Reformers, and sincerely deplored it. "Admitting that the Protestant leaders had done good service by exposing and rebuking the Popish errors, he maintained that each of them, in his own practice, lent his authority to the gravest error of all, the suppression of liberty of conscience; and, consciously or unconsciously, was bent on setting up a new papacy in favour of his own opinion."*

* *Notes to the Chief Victories of the Emperor Charles V.* By Sir WILLIAM STIRLING-MAXWELL, Bart.

“Rightfully and nobly did the Protestant Reformers claim religious liberty for themselves; but they resolutely refused to concede it to others. At Worms Luther said for himself, ‘Unless I be convinced by Scripture or by reason, I can and will retract nothing; for to act against my conscience is neither safe nor honest. Here I stand.’ On Scripture and on reason he based his convictions, and would recognise the right of no mere external authority to control him. Not what the Emperor said—not what the Doctors said—not what the Church said—but only what his own conscience owned to be true in the light of Scripture, would he acknowledge to be the truth. Nothing else could move him—so help him God. It is impossible to conceive a more unqualified assertion of the right of private judgment—of the indefeasible privilege of the individual reason and conscience to know and judge the truth for itself; and the Reformation would have had no rational or consistent basis if it had not taken up this—if, for himself at least, Luther had not felt the force and sole conclusiveness of such a position.

“It is too well known, however, that neither he nor any of his fellow-reformers recognised the full meaning and bearing of such a position. They knew what their own necessities demanded, but that was all. They raised the ensign of a free Bible in the face of Rome, but they speedily refused to allow others to fight under this banner as well as themselves. What Luther claimed for himself against Catholic authority he refused to Carlstad, and refused to Zwingle, in favour of their more liberal and doctrinal views. He failed to see that their position was exactly his own, with a difference of result, which indeed was all the difference in the world to him. Against them he appealed not merely to Scripture, but to his own obstinate views of certain

texts of Scripture ; and gradually he erected a new authority, which to him, and still more to his followers, became absolute as Scripture itself. Scripture, as a witness, disappeared behind the Augsburg Confession as a standard ; and so it happened more or less with all the Reformers. . . . Heresy was (with them) not a mere divergence of intellectual apprehension, but a moral obliquity, a statutory offence, to be punished by the magistrate, to be expiated by death. . . . It required the lapse of many years to make men begin to feel, and it will still require the lapse of many more to make them fully feel, . . . that it is impossible to bind the conscience by any bonds but those of God's own wisdom (Word) in Scripture ; a spiritual authority addressed to a spiritual subject ; a teacher not of ' the letter which killeth, but of the spirit which giveth life.' ”*

When Henry VIII. of England broke with the Court of Rome, he was perplexed as to what he should do with the power which the Pope had exercised in England. Thomas Cromwell, afterwards Lord Cromwell and Earl of Essex, advised him to take that power to himself. The king followed his advice. He assumed the title of the supreme head of the Church of England, ruled his subjects in religion as thoroughly as the Pope had done, and enforced his rule with a rigour to which the annals of Popish persecution in England do not furnish many parallels. He enacted that “whatsoever his majesty should enjoin in matters of religion should be obeyed by all his subjects,” thus making himself absolute lord of their consciences ; and his “Bloody Statute,” as history has well branded it, is a fair specimen of the penalties they incurred by daring to dispute this lordship. It is entitled “An Act for abolishing

* *Leaders of the Reformation.* By JOHN TULLOCH, D.D., Principal of St. Mary's College, St. Andrews, 86-88.

diversities of opinions in certain Articles concerning Christian Religion." The opinions abolished were—1. Opinions against transubstantiation; 2. Opinions against communion in one kind; 3. Opinions against the celibacy of priests; 4. Opinions against the observance of vows of chastity; 5. Opinions against private masses; 6. Opinions against auricular confession. Such was Henry's Protestantism; and to make the abolishing of these opinions effectual, he enacted, "that if any did speak, preach, or write against the first Article, they should be judged heretics, and be burnt without any abjuration, and forfeit their real and personal estate to the King. Those who preached, or obstinately disputed, against the other Articles, were to suffer death as felons, without benefit of clergy; and those who, either in word or writing, declared against them, were to be prisoners during the King's pleasure, and to forfeit their goods and chattels for the first offence, and for the second to suffer death. All ecclesiastical incumbents were to read this Act in their churches once a quarter."*

The state of things in Scotland was not essentially different, as far as my present inquiry is concerned. In England, Henry engrossed the papal jurisdiction: he made a monopoly of it, and annexed it to the crown as one of its prerogatives. In Scotland, that jurisdiction was made a sort of joint-stock affair between Kirk and King. The Kirk had one part of it, and the King another. They had co-ordinate powers, in their respective spheres, each being independent of the other; and, in friendly alliance, they were to govern the kingdom in matters of religion. Such a partnership was not likely to work smoothly. The provinces of Kirk and King were not accurately defined, and were but roughly indicated; disputes about the boundaries of their respective

* NEAL'S *History of the Puritans*, i. 26.

provinces soon emerged, and began that chronic conflict between the partners, which occupies such a space in the history of the country, and which three centuries have not quite exhausted. But the ideal was, that Kirk and King together were to rule the lieges in religion; and that disobedience to their rule was rebellion and impiety, which must be visited with condign punishment, both civil and ecclesiastical.

As early as 1558 the Scottish Reformers gave a very unambiguous exhibition of their persecuting principles. They petitioned Parliament, that as they could not longer "participate in the Romish religion, all Acts of Parliament giving authority to the Church to proceed against them as heretics, should be abrogated, or at least suspended, till the disputes which had arisen were determined." But they were most careful and specific in explaining in their petition that, in their new religion, they did not wish exemption from the jurisdiction of the magistrate. "They did not mean that all men should be at liberty to profess what religion they pleased, without the control of authority. They consented that all transgressors in matters of faith should be carried before the temporal judge," and should be fairly tried by him; "as no person ought to be punished for religion, who is not obstinate in a wicked or damnable tenet: and if so they be, that they be punished according to justice; unless by wholesome admonition they were reduced to a better mind." And, "in fine, they urged, that no Protestant should be condemned for heresy, without being convicted by the Word of God of the want of that faith which is necessary to salvation."*

Knox, the father of the Scottish Reformation, and the

* *The History of the Establishment of the Reformation of Religion in Scotland.* By GILBERT STUART, LL.D., 105, 106.

presiding genius of it, brought with him to his native country the Geneva theocracy; and it was copied as closely as the differences between the Swiss republic and the Scottish monarchy would permit. James VI. and the successors of his line assumed to themselves, and had conceded to them, such ominous titles as "God's deputies," "God's Lieutenants," "God's Vicegerents." They conceived themselves ordained to occupy God's place, and to execute his law. They were industriously taught that they were the guardians and avengers of both tables of the decalogue. They found the laws, as adapted by God himself to the civil state, in the code of the Jewish theocracy; and they claimed and exercised all the authority in spiritual things with which that code invested the kings of the "peculiar people."

Such was the Church and State system of the Scottish Reformers in those days; and hence the melancholy selections from their history which I have now to offer.

The first Parliament in which the Reformers became ascendant, was that held in 1560. It adopted a Protestant Confession; a "summary of the tenets constituting the essence of the Reformed religion;" one of the "tenets" being the theocratic one, "that to kings and rulers it belongs to reform and purify religion."* It abolished the jurisdiction

* The words of the Scotch Confession are: "To kings, princes, and magistrates, does chiefly and most principally appertain the conservation and purgation of religion; so that, not only are they appointed for civil policy, but also for the maintenance of the true religion." On this the late Principal Lee remarks with equal judiciousness and candour: "The twentieth chapter (of the Confession of 1560), treating of the civil magistrate, does not attempt to abridge the powers allowed to temporal rulers by the authority of Scripture. It may justly be doubted whether the Confession does not proceed to another extreme in devolving on secular governors the reformation and purgation of religion, and the suppression of all kinds and degrees of idolatry and superstition. The example of David,

of the Pope in Scotland, and repealed all Acts in favour of the Popish Church. But it did more. It prohibited the exercise of the Popish religion. The chief rite of that religion is the mass; and this Parliament ordained, that all who said mass, or were present at the celebration of it, should be punished for the first offence by confiscation of goods, or bodily suffering; for the second, by banishment from the kingdom; and for the third, by death.

Thus the very first legislation of the Scottish Reformers was deeply tainted with persecution. "Such strangers," as one most naturally and justly observes, "were men at that time to the spirit of toleration, and to the laws of humanity; and with such indecent haste did the very persons who had just escaped the rigour of ecclesiastical tyranny, proceed to imitate those examples of severity, of which they themselves had so justly complained."*

"Over this statute," says another, "every friend to true religion, to the influence of the mild spirit of Christianity, and to the sacred rights of men, would wish to cast a veil. It too

Jehoshaphat, Hezekiah, and Josiah, who lived under the peculiar dispensation of the Mosaic law, must be followed with some modification by them who live under the more liberal system of the gospel. If the princes and rulers of the earth are to be judges of what is superstition, and what is heresy, they may often, under the pretext of reforming religion, commit most wanton oppression, and become the patrons of dangerous error, instead of protecting their subjects in the peaceable exercise of their right to worship God according to their conscience. If the magistrate, instead of following his own judgment, shall choose to be guided by the counsels of the Church, recognised by the law of the land, what will be the benefit of this reforming power, when the Church, being itself corrupt, either deprecates his interference, or leads it in a wrong direction?"—(*Lectures on the History of the Church of Scotland*. By the late Very Reverend JOHN LEE, D.D., LL.D., Principal of the University of Edinburgh, i. 133, 134.)

* ROBERTSON'S *History of Scotland*, Book iii.

plainly shews that the worst part of popery had not been taken from the hearts of those who so vehemently opposed it ; that, while they declaimed against the infallibility of popish decrees, and considered these decrees as imposing a grievous yoke upon the understanding and the faith of Christians, they wished to break their yoke only that it might be succeeded by one which they themselves had prepared. They thus arrogated a right to decide upon what the fundamental maxim of the protestant religion declared should be left to the decision of all who examined it ; and they justified, in as far as similar conduct could justify it, the atrocious cruelty of the priesthood to those unhappy men who had been convicted of heretical pollution.

“There is something in the tendency which all sects have shewn to draw the sword of persecution, most humbling and disgraceful to human nature. What could have been so naturally expected from those who had recently mourned over the dismal scenes of ecclesiastical tyranny, than that they should shew their abhorrence of them, by disclaiming the principle from which they originated ? Yet, with their own sorrows still pressing on their recollection, they prepared to wound the peace, and to embitter the lives of their fellow-creatures, not for the commission of crimes, which a regard to justice compelled them to punish ; but because, using the same privilege which the reformers had demanded, they adopted religious sentiments, different from those which these reformers proclaimed as the only sentiments taught or authorized by the Christian religion.” *

The same year the First Book of Discipline was framed by a Committee of the Kirk, of which Knox was a leading member. It bears the form of a Supplication to the Great Council of Scotland, and was presented to a Convention of

* *COOK's History of the Reformation in Scotland*, ii. 334, 335.

Estates, held in the beginning of 1561. It is pervaded by persecuting principles. The Reformers having, as I have already said, laid down in their Confession, "that to kings and rulers it belongs to reform and purify religion," make very plain, in this Book, what they expected of them in the execution of this high function. The First Head in the Book is of Doctrine, in which they say :—

"Seeing that Christ Jesus is He whom God the Father hath commanded onely to be heard and followed of His sheepe, we judge it necessary that His gospell be truely and openly preached in every church and assembly of this realme; and that all doctrine repugnant to the same be utterly repressed, as damnable to men's salvation."

And how was the Great Council "utterly" to "repress" it?

"By *the contrary doctrine* we understand whatsoever men by lawes, councells, or constitutions, have imposed upon the consciences of men, without the express commandement of God's word, such as be vows of chastity, forswearing of marriage, binding of men and women to several and disguised apparells, to the superstitious observance of fasting dayes, difference of meat for conscience sake, prayer for the dead, and keeping of holy dayes of certaine saints commanded by man, such as be all those that the Papists have invented, as the Feasts (as they terme them) of the Apostles, Martyrs, Virgines, of Christmass, Circumcision, Epiphanie, Purification, and other fond Feasts of our Ladie; which things, because in God's Scriptures they neither have commandement nor assurance, we judge them utterly to be abolished from this realme; affirming farther, that the obstinate maintainers and teachers of such abominations ought not to escape the punishment of the civill magistrate."

The Second Head is of the Sacraments, which they make to be Baptism, and the Holy Supper of the Lord Jesus; and

the duty with reference to these which they assigned to the Great Council, and which they supplicated it to perform, is apparent from what they say of Baptism :

“In baptisme we acknowledge nothing to be used except the element of water onely ; wherefore whosoever presumeth in baptisme to use oyle, salt, waxe, spittle, conjuration and crossing, accuseth the perfect institution of Christ Jesus of *imperfection* ; for it was void of all such inventions devised by men. And such as would presume to alter Christ's perfect ordinance you ought severely to punish.”

The Third Head is touching the abolishing of Idolatry, and runs thus :—

“We cannot cease to require idolatry, with all monuments and places of the same, . . . to be utterly suppressed in all bounds and places of this realme . . . As also that idolatry may be removed from the presence of all persons of what estate or condition that ever they be, within this realme. For let your honours assuredly be persuaded, that when idolatry is maintained or permitted, where it may be suppressed, that then shall God's wrath raigne, not only upon the blind and obstinate idolaters, but also the negligent sufferers of the same, especially if God have armed their hands with power to suppress such abominations. By *idolatry* we understand, the masse, invocation of saints, adoration of images, and the keeping and retaining of the same. And finally, all honouring of God, not contained in his Holy Word.”

The Ninth Head is concerning the Policy of the Kirk ; and the sixteenth chapter is, For punishment of those that prophane the Sacraments, and contemn the Word of God, and dare to presume to minister them, not being thereto lawfully called. The supplication is :

“We require of your honours that without delay, strait

lawes be made against, as well the manifest despiser, as the prophaner of the Sacraments. We dare not prescribe unto you what penalties shall be required of such, but this we fear not to affirm, that the one and the other deserve death."

Such are the persecuting principles of this Book, one of the earliest formularies of the Reformed Church of Scotland ; and to which some are even now boasting, either very ignorantly, surely, or very inconsiderately, that she has adhered for three hundred years.

Mary's return to her ancestral throne, and her bigoted attachment to Popery, were the occasion of a speedy and sad development of the persecuting principles of the Reformers. Before leaving France, she stipulated with her brother, the Lord James, that she should have the free exercise of her religion in private. On her first Sabbath in Scotland, mass was said in her chapel at Holyrood House. A violent tumult ensued ; and the shout was raised, "Shall the idol again be suffered to be established in this realm? Let the idolater priest die the death according to God's law." Mary's proclamation next day, declaring that till the meeting of the Estates, no innovation should be made in the religion of the land, and claiming that she and her household should be unmolested in the private exercise of theirs, the Earl of Arran met with a public protest, against "any protection or defence being made to the Queen's domestics, or any that came from France, to offend God's majesty, and to violate the laws of the realm," God's law and the laws of the realm having "pronounced death to the idolater;" and that "if any of the Queen's servants shall commit idolatry, specially say mass, etc., this proclamation be not extended to them in that behalf, nor be a safeguard or girth to them in that behalf, no more than if they commit slaughter or murder, seeing the one is much more abominable and odious

in the sight of God than the other. But that it may be lawful to inflict upon them the pains contained in God's word against idolaters, wherever they may be apprehended, without favour."*

Knox was of the same opinion. In his Appellation he says: "None provoking the people to idolatry ought to be exempted from the punishment of death. . . . The whole tribes did in very dede execute that sharp judgment against the tribe of Benjamin for a less offence than idolatrie. And the same ought to be done wheresoever Christ Jesus and His Evangill is so received in any realme, province, or citie, that the magistrates and people have solemnly avowed and promised to defend the same, as under King Edward of late days was done in England. In such places, I say, it is not only lawful to punish to the death such as labour to subvert the true religion, but the magistrates and people are bound to do so unless they will provoke the wrath of God against themselves."

With these views, Knox applauded the protest of Arran; followed the style of it in inveighing against Popery in his own pulpit next Sabbath; and for helping to restrain the fury of the populace on the previous Sabbath, in the tumult at the Queen's chapel, he put on record this confession of his sin:

"In secret conference with earnest and zealous men, I travailed rather to mitigate, yea, to slacken that fervency that God had kindled in others, than to animate and encourage them to put their hands to the Lord's work; whereunto I unfeignedly acknowledge myself to have done most wickedly, and, from the bottom of my heart, I do ask of my God grace and pardon, for that I did not what in me lay to have suppressed that idol in the beginning."†

* KNOX'S *History*, 264-5.

† *Ibid.*, 265.

It may be added, that soon after, when the Papists ventured in some quarters openly to celebrate mass, Knox writes :

“The brethren, universally offended, and espying that the Queen, by her proclamation, did but mock them, determined to put to their own hands, and to punish for example of others ; and so some priests in the Westland were apprehended. Intimation was made unto others, as unto the Abbot of Crossraguel, the parson of Sanquhar, and such, that they (the brethren) should neither complain to Queen nor Council, but should execute the punishment that God has appointed to idolaters in his law, by such means as they might, wherever they should be apprehended.”

And this taking of the law of God into their own hand, to execute it, he thus justified, in the interview with Mary which he afterwards had at Lochleven :

“The sword of justice is God’s, and is given to princes and rulers for an end, which if they transgress, sparing the wicked, and oppressing the innocent, they that in the fear of God execute judgment, where God has commanded, offend not God, though kings do it not ; neither yet sin they that bridle kings to strike innocent men in their rage. The examples are evident ; for Samuel feared not to slay Agag, the fat and delicate king of Amalek, whom king Saul had saved ; neither spared Elias Jezebel’s false prophets, and Baal’s priests, albeit king Ahab was present. Phineas was no magistrate, and yet feared he not to strike Cosbi and Zimni in the very act of filthy fornication. And so, Madam, your Grace may see that others than chief magistrates may lawfully punish, and have punished the vices and crimes that God commands to be punished ; and, in this case, I would earnestly pray your Majesty to take good advisement, and that your Grace should let the Papists understand that their attempts will not be suffered unpunished. For power, by

Act of Parliament, is given to all judges, within their own bounds, to search for mass-mongers, or the hearers of the same, and to punish them," &c. *

Such were the persecuting principles of the leaders in the First Reformation. So they insisted on punishing the adherents of Rome for their religion. I say, for their religion : for they did not suppress Popery as a sedition ; as incompatible with true loyalty to the Scottish throne, the votaries of it owning allegiance in all things, civil as well as sacred, to the See of Rome. "A Catholic first and then an Englishman," is the account which my Lord Denbigh lately gave of himself ; and there might have been an apology for at least some of the penal laws of our ancestors, against the Papists, had they been directed against them *as Catholics first, and then Scotchmen*. But this apology cannot be pleaded for them. They looked on Popery as idolatry ; and taking their law against it from Deut. xiii., they held it to be their sacred duty to put the idolaters to death. "Both parties," says Dr. M'Crie, speaking of Knox and Maitland, "held that idolatry might justly be punished by death. Into this sentiment they were led, in consequence of their having adopted the untenable opinion that the judicial laws given to the Jewish nation, were binding upon Christian nations, as to all offences against the moral law."†

Mr. Froude, I observe, insinuates another apology for Knox's severity against the Papists. I transcribe his panegyric on our Reformer, one of the highest and finest that has ever been pronounced on him. "The time has come when English history may do justice to one but for whom the Reformation would have been overthrown among ourselves ; for the spirit which Knox created saved Scotland ; and if Scotland

* KNOX'S *History*, 292.

† *Life of John Knox*, Period Seventh.

had been Catholic again, neither the wisdom of Elizabeth's Ministers, nor the teaching of her Bishops, nor her own chicaneries, would have preserved England from revolution. His was the voice which taught the peasant of the Lothians that he was a free man, the equal, in the sight of God, with the proudest peer or prelate that had trampled on his forefathers. He was the one antagonist whom Mary Stewart could not soften, nor Maitland deceive ; he it was that raised the Commons of his country into a stern and rugged people, who might be hard, narrow, superstitious, and fanatical, but who, nevertheless, were men whom neither king, noble, nor priest could force again to submit to tyranny."

After this panegyric, Mr. Froude acknowledges Knox's intolerance against Papists, but pleads in his behalf the monstrous cruelties of Popery, and that it was then an enemy which must be destroyed, if it was not to destroy the earth. "The change of time has brought with it the toleration which Knox denounced, and has established the compromises which Knox most feared and abhorred ; and he has been described as a raving demagogue, an enemy of authority, a destroyer of holy things, a wild and furious bigot. But the Papists which Knox grappled with and overthrew—the Papists of Philip II., of Mary Tudor, and Pius V.—were not the mild forbearing innocents into which the success of the Reformation has transformed the modern Catholics. When their power to kill was taken from them, when they learned to disclaim the Inquisition—to apologise, to evade—to fling the responsibility of their past atrocities on the temper of other times—on the intrigues of kings and statesmen, or on the errors of their own leaders—then, indeed, their creed would be allowed to subside into a place among the *religiones licitæ* of the world. But the men who took from Popery its power to oppress, alone made its presence again endurable ;

and only a sentimental ignorance, or deliberate misrepresentation of the history of the sixteenth century, can sustain the pretence that there was no true need of a harder and firmer hand.”*

All this may be true ; but Mr. Froude knew well that it was not so much the bloody tyranny of Popery, as its idolatry, that filled Knox with such detestation, dread, and horror of it. He also knew well, and has brought to light some new evidence of it, that English Protestants at that time held the same view of Popery, and of the doom to which its adherents ought to be devoted. In a debate in the House of Lords, July 15, 1864, Lord Houghton stated, on the authority of Mr. Froude, that that gentleman, in the course of his researches, has discovered addresses from both Houses of Convocation to Queen Elizabeth, requesting her to put Mary Queen of Scots to death as quickly as possible, which she might justly do, Mary being an “idolater.”†

As very significant of the principles of the Scottish Reformers, I may notice the censorship of the press which they assumed. A free press is the palladium of all our freedom ; and tyranny, both civil and religious, has ever dreaded and hated it, as one of its deadliest enemies. “Freedom of conscience,” the present Pope lately said, “is an insane folly, and freedom of the press a pernicious error.” This has always been Rome’s faith ; and it has shaped its policy. As long as its supremacy was unchallenged, it exercised absolute control over the press. The Council of Lateran, held in 1515, ordered that all books should, previously to publication, be submitted to the judgment of clerical censors. “To fill up the measure of encroachment,” says Milton,

* FROUDE’S *History of England*, x. 456-7.

† *History of the Rise and Influence of the Spirit of Rationalism in Europe*. By W. E. H. LECKY, M.A., ii. 48.

“their last invention was to ordain that no book should be printed, as if St. Peter had bequeathed them the keys of the press, as well as of paradise, unless it were approved and licensed under the hands of two or three gluttonous friars.”*

Our early Reformers claimed like control over the press.

“Immediately after the Reformation, the General Assembly took particular notice of the four printing presses then in Scotland, and they were careful that nothing should be published, at least by ministers, till it was communicated to the brethren, and revised by persons appointed by them. Knowing well what influence either good or bad productions of the press have upon morals and religion, the Assembly ordered manuscripts to be laid before them. A committee was appointed, and they, after perusal, reported whether the work should be printed or not.”†

So they began ; and the control of the press continued to be one of their most painful cares. The General Assembly, for example, held in August, 1574, not confining itself to works prepared for publication “by ministers,” enacted :

“Forasmuch as, by imprinting and putting to the light works repugnant to the truth of God’s word, or containing manifest error, the truth may be heavily prejudged, and the weak seduced from the truth ; therefore the General Assembly, presently convened, have all in one voice given power to certain persons here named, conjunctly to visit and oversee all manner of books and works that shall be prepared to be printed, and to give their judgment thereupon, if the same be allowable by the law of God or not ; and they are to give their judgment and opinion thereupon by their subscription

* *Liberty of Unlicensed Printing.*

† *Life and Times of Alexander Henderson.* By the Rev. Dr. JOHN AITON, Dolphinton. Introduction, 15, 16.

and handwrite, for the relief of such as shall read such works." *

The Scottish Coronation Oath furnishes another pregnant proof of the persecuting principles of the age which devised it. Framed in 1567, and first sworn by Regent Moray, it bound the sovereigns of the country, among other things, to "maintain the true religion of Christ Jesus; the preaching of his holy word, and the due and right administration of the sacraments, now received and preached within this realm;" to "abolish and gainstand all false religion, contrary to the same;" "and out of their lands and empires to be careful to root out all heretics and enemies to the true worship of God, that shall be convicted by the true Kirk of God of the fore-said crimes."

This smells very rankly of Rome. In 1209, the Council of Avignon commanded all bishops to call on the civil power to exterminate heretics. If any prince refused, the bull of Innocent III. threatened him with excommunication, and with the forfeiture of his dominions. In 1215, the Fourth Council of the Lateran enjoined all rulers, as they desired to be esteemed faithful, to swear a public oath that they would labour earnestly, and to the full extent of their power, to exterminate from their dominions all those who were branded as heretics by the Church. The Scottish Coronation Oath closely copied Rome's way of disposing of "heretics and enemies to the true worship of God." The Church "convicted" them, and then delivered them to the secular power, which "rooted them out" by first strangling and then burning to ashes those of them who declared that they died in the communion of the Church of Rome, and by burning alive those who died in any other faith. Popery thus made the civil magistrate the Church's "hangman," as Richard

* Cook's *History of the Church of Scotland*, i. 245, 246.

Baxter happily phrased it ; and our Scottish sovereigns, by swearing this oath, solemnly undertook the same office for the Reformed Kirk of Scotland. It took to itself the name of "the true Kirk of God," but that did not alter the case. As has been justly observed, "this was, in fact, to restore the most detestable grievance which prevailed under papal dominion. The appellation of True Church does not change the case, for all denominations of Christians apply this title to the communion to which they are attached."*

It is to the honour of William III., that in taking the Coronation oath, he paused when he came to the last clause of it ; stated that he would not lay himself under any obligation to be a persecutor ; and refused to swear the clause, till it was explained to him that it did not impose on him any such obligation. The explanation certainly explained away this part of the oath ; anticipated the toleration which he by-and-by established ; and went to frustrate the design of our forefathers in framing and exacting such an oath. How, except by punishing them for their religious delinquencies, could our kings "root out" of their dominions "all convicted heretics and enemies to the true worship of God?" and so to punish them was, as has been shewn, to persecute them.

William's predecessors did not understand the oath according to the novel explanation of it offered to him. To give only one illustration : the worst classes of religious offenders, on being "convicted by the true Kirk of God," were excommunicated. Some of their "crimes" incurred this censure ; and all criminals, who proved obdurately impenitent, incurred it by their contumacy. Now, the civil penalties to which the excommunicated were liable, put beyond the pale of controversy the obligation laid on our kings when they swore that they would "be careful to root out" all such offenders.

* Cook's *History of the Reformation*, iii. 299.

The infliction of those penalties was the constitutional method of performing their oath ; the way of exonerating themselves which the laws prescribed to them. And those penalties were very terrible. The excommunicated were dead civilly as well as ecclesiastically. All their rights as members of society were forfeited. By Act upon Act of Parliament, the excommunicated, being obstinate contemners of the Kirk's authority, were denounced as rebels ; those who would not, after due admonition, forbear their company, were themselves to be excommunicated. If any of them dared to enter church during prayers, or the administration of the sacrament, they were to be apprehended and committed to prison "till they should find caution, under such sums as the minister should modify ;" and they were not to be "allowed, directly or indirectly, to enjoy the possession of their lands, rents, or revenues ; but the same were to be intromitted with, and uplifted for His Majesty's use."

James VI. rightly interpreted his Coronation oath, and was only faithful to it, in the fit he took, in 1597, to deal sharply with the excommunicated Popish lords. His unhappy mother, in one of her interviews with Knox, upbraided him thus : "You have taught the people to receive another religion than their princes allow. How can that doctrine be of God, seeing God commandeth subjects to obey their princes?" Her son was quite of the same mind ; the only difference between them being, that she was on the Roman Catholic, and he on the Protestant side. "He gave the Popish lords unequivocally to understand that he held their reconciliation to the Kirk as an indispensable condition to their being permitted to remain in the country. He wrote to the Earl of Huntly, informing him that if his conscience would not permit him to accept of this condition, he must 'look never to be a Scotsman again,' and concluded in these

peremptory terms : ‘ Deceive not yourself, to think that by lingering of time your wife and your allies shall ever get you better conditions. I must love myself and my own estate better than all the world ; and think not that I will suffer any professing a contrary religion to dwell in this land.’ The same conditions were imposed on all the three Earls—that they should acknowledge the Kirk of Scotland to be a true Church, that they should join its communion, submit to its discipline, and subscribe the Confession of Faith ; and further, that they should banish from their society and estates all Jesuits and seminary priests.”*

I may here insert James’s Writ for the burning, in 1612, of Bartholomew Legate, an Arian. It is a lurid commentary on the Coronation oath. It uses, it will be observed, the very terms of the oath, and shows what James considered it binding him to on English as well as Scottish soil. “ Whereas the holy mother church hath not farther to do and to prosecute on this part ; the same reverend father (Bishop King) hath left the aforesaid Bartholomew Legate, as a blasphemous heretic, to our secular power, to be punished with condign punishment, as by the letters-patent of the same reverend father in Christ, the Bishop of London, in this behalf above made, hath been certified to us in our chancery, we, therefore, as a zealot of justice, and a defender of the catholic faith, and willing to maintain and defend the holy church, and the rights and liberties of the same, and the catholic faith ; and such heresies and errors everywhere what in us lieth, to root out and extirpate, and to punish with condign punishment, such heretics so convicted, and deeming that such heretics, in form aforesaid, convicted and condemned according to the laws and customs of this our kingdom of England on this part accustomed, and ought to be burned with fire ;

* *The Pictorial History of Scotland*, ii. 371.

we do command you that the said Bartholomew Legate, being in your custody, you do commit publicly to the fire, before the people, in a public and open place in West Smithfield, for the cause foresaid; and that you cause the said Bartholomew Legate to be really burned in the same fire, in detestation of the said crime, for the manifest example of other Christians, lest they slide into the same fault; and this that in no wise you omit, under the peril that shall follow thereon."

The National Covenant belongs to this period; having been subscribed at first by the King's Majesty, and his household, in the year 1580; and thereafter by all ranks in the year 1581; but I shall defer the consideration of it, till it was renewed in 1638.

The next proof which I here produce of the persecuting principles of the Scottish Reformers in those times, I shall take from the Second Book of Discipline, agreed upon in the General Assembly, 1578. It is one of the ablest and most valuable of the Formularies of the sixteenth century; but it has on it the persecuting taint common to them all. The first chapter is "Of the Kirk and Policie thereof in generall, and wherein it is different from the Civill Policie;" and we read therein:—

"The civill power sould command the spiritual to exercise and doe their office according to the word of God."

"The magistrate neither aucht to preich, minister the sacramentis, nor execute the censuris of the Kirk, nor yet prescrive any rewill how it sould be done; but command the ministeris to observe the rewill commandit in the word, and punish the transgressouris be civill means."

"The magistrate aucht to assist, mentain, and fortifie the jurisdiction of the Kirk."

The tenth chapter is "Of the office of a Christian magistrat in the Kirk," and we read therein:

“It perteinis to the office of a Christian magistrat, to assist and fortify the godly proceedings of the Kirk in all behalves; and namely, to see that the publike estait, and ministrie thereof, be mainteinit and susteinit as it apperteins, according to Godis word.”

“To see that the Kirk be not invadit nor hurt be false teichers and hyrelings, nor the rowmes thereof be occupyit be dumb dogs, or idle bellies.”

“To assist and manteine the discipline of the Kirk; and punish them civilly, that will not obey the censure of the same, without confounding alwayis the ane jurisdiction with the other.”

I restrict myself to two of the canons laid down in these curious and tempting extracts.

The first is, that “the magistrat neither oucht to preich, minister the sacramentis, nor execute the censuris of the Kirk, nor yet prescrive any rewl how it sould be done; bot command the ministeris to observe the rewl commandit in the word, and punish the transgressouris be civill means.” The magistrate ought not to take to himself the office of the ministers; neither ought he “to prescribe” to them “any rule how” the work of their office “should be done.” That, I suppose, would be Erastianism, which this saving clause was meant to shut out. But he ought to “command the ministers to observe the rule commanded in the word, and to punish the transgressors by civil means.” If the magistrate is to do the duty thus imposed on him, he must, of course, judge for himself what the rule commanded in the word is. And what he judges it to be, that it is, both to him and to the ministers on whom he enjoins and enforces it. For him to command ministers to observe the rule commanded in the word, and to punish the transgressors by civil means, just comes to this: it is to make the magistrate’s interpretation of

the rule in the word law to the ministers, and to punish them for transgressing that interpretation.

A more persecuting canon could not be framed. Take doctrine. Suppose the magistrate to judge that Calvinism is the doctrine which accords with the rule in the word. He commands the ministers to preach Calvinism; and the transgressors who preach Arminianism he punishes. Take polity. Suppose the magistrate to judge that Presbyterianism is the polity which accords with the rule in the word. He commands the ministers to practise Presbyterianism; and the transgressors who practise Episcopalianism he punishes.

I need not say that these are no mere suppositions. They have been sadly realised in the experience of our country. James VI. was at one time a zealous Calvinist. Arminius he called "an enemy of God;" Vorstius, "a wicked atheist, an arch-heretic, a pest, a monster of blasphemy," and ordered a book of his to be burned; and of Boerthius, who had written that the saints may fall from grace, he declared that "he was worthy of the fire."* But the inconstant monarch speedily changed sides, and rewarded and punished accordingly. All his smiles were given to the Arminians, and all his frowns to the Calvinists. The evil grew, and came to its height in the days of his son, who enjoined silence on the Five Points; the effect of the injunction, however, being, that "the preachers on one side only (the Calvinistic) were silenced, the printers of books on one side censured in the Star-chamber, while full scope was indulged to the opposite sect."†

So the canon of the Book of Discipline wrought as to doctrine; and it wrought in like manner as to polity. James never liked Presbytery; but in 1592 he ratified and approved

* NEAL'S *History of the Puritans*, ii. 83, 84.

† HALLAM'S *Constitutional History of England*, 285, 286.

it as agreeable to the rule in the word. So enamoured of the Kirk had he been in 1590, that he praised it as the purest upon earth. "The Kirk of Geneva," said he, "keepeth Pash and Yule. What have they for them? they have no institution. As for our neighbouring Kirk of England, their service is an evil said mass in English; they want nothing of the mass but the liftings. I charge you, my good people, to stand to your purity." He added, with hands and eyes lifted up to heaven, "And I, forsooth, so long as I brook my life and crown, shall maintain the same." How long he "maintained the same," how soon he overthrew it, and how cruelly he, and his race who succeeded him, persecuted the Presbyterians, history tells. The fate under him of the Melvilles and other champions of Presbytery, covers his name with infamy.

All this came of the vile canon laid down in the Book of Discipline. It inevitably came of it. To authorise and require a fallible, erring mortal, seated on a throne, and wielding "the power of the sword," to command ministers to observe the rule which he finds commanded them in the word, and to punish the transgressors by civil means: this is to legalise persecution, and to necessitate it; and Scotland accordingly brooked it, till toleration abolished the canon, or at least took the sting out of its tail.

The respected author of "The Ten Years' Conflict" gives a different example of the working of this canon. The magistrate works it, says he, "As, for example, by depriving ministers, when deposed by the Church for proper ecclesiastical offences, of the civil emoluments granted by the state."* The "example" is specious; but it does not hide the sting of the canon. What are "proper ecclesiastical offences?" This is just a fraction of the question, What is the rule for

* *The Ten Years' Conflict*, i. 68.

ministers to observe commanded in the word? and I must hold, till some reason to the contrary is shown, that the magistrate may no more judge, and command, and punish in the section covered by the fraction, than in the wider field opened by the broad question. Again, ministers may transgress without incurring deposition; and how is the magistrate to punish such minor transgressors? Is he to deprive them of a part of "the civil emoluments granted by the state;" and if not, by what other "civil means" is he to visit for their sins? Then, depriving deposed ministers of their civil emoluments is only a portion of the punishment to which they were liable in the sixteenth century. If contumacious, they were to be excommunicated. The civil effects of that dread sentence have been already stated; and it is not to be doubted that the compilers of the Book of Discipline had them in view, in formulating the canon now under consideration.

To these things I add, what, indeed, had itself been enough for my purpose, that Dr. Buchanan's "example" has quite lost its pertinency in these times. We have made some progress in the course of the last three centuries. Among other great and blessed changes, our sovereign has been relieved of the function of punishing ministers for their transgressions of the rule commanded them in the word. A dissenting minister duly deposed forfeits his stipend, because he has broken the contract into which he had entered with his Church. An Established minister duly deposed forfeits his "civil emoluments granted by the State," simply and solely because he has broken the contract into which he had entered with the State and the Kirk. Had Dr. Buchanan's late lamented neighbour, Dr. Norman M'Leod of the Barony, abjured his Presbyterianism and become Prelatic, he would have lost his "emoluments" for breach of contract. But

Her Most Gracious Majesty would not have held him to have transgressed the rule in the word. She would not have imputed such sin to him, nor charged him with such scandal. On the contrary, she might have esteemed him all the more for his conversion to the Court religion; and might have made him, in due course, bishop of London, or arch-bishop of Canterbury.

The other canon on which I remark is, that to "a Christian magistrate," in his "Office in the Kirk," it "pertains to manteine and assist the discipline of the Kirk, and punish them civilly that will not obey the censure of the same, without confounding always the ane jurisdiction with the uther."

"Without confounding always the one jurisdiction with the other:" a saving clause, again, meant to exclude Erastianism. There was need, certainly, of such a clause here; but whether this one serves the purpose intended by it, is open to reasonable doubt. Erastianism is in every view of it an abomination; and in none more than in its essential contrariety to religious liberty. It "destroys liberty of conscience, by making spiritual matters subject to the same coercive power as temporal affairs naturally and properly are."*

The two jurisdictions, the temporal and the spiritual, ought not to be confounded: they must by all means be kept distinct: but how this can be done, and the magistrate "punish them civilly that will not obey the censure of the Kirk," is a problem which no Œdipus has yet risen to solve. It is plain enough that the jurisdictions are kept distinct, when they are restricted to their own proper subjects; the magistrate to "temporal affairs," and the Kirk to "spiritual matters." It is equally plain, of course, that the jurisdictions are confounded, when this restriction is not imposed, and jealously

* HETHERINGTON'S *History of the Westminster Assembly*, 141.

observed. It must be admitted that the magistrate's jurisdiction reaches wherever he legitimately punishes; and if he legitimately punishes those who disobey Church censures, then "spiritual matters" do lie within the sphere of his jurisdiction, and are "made subject to his coercive power."

This function, besides, is a deep-drawing one. If the magistrate ought to enforce Church censures by his civil pains, he must judge for himself that these censures are proper. He must "see that they are according to the word of God." For this purpose he must take them under review; he must approve and adopt them, before he enforces them: and how he can do this, in consistency with the Church's authority and independence, and without constant risk of collision and disruption, is another problem yet unsolved. All this the magistrate must do, if he is not to be the mere blind tool of the Church; and this is what the Kirk never made him. Its ministers were true to its doctrine on this head, when James inquired of them whether the Popish Lords "might not, upon making proper acknowledgements, be again received into the bosom of the Church, and be exempted from any further punishment on account of their past apostacy and treasons. They replied, that though the gate of mercy stood always open for those who repented and returned, yet as these noblemen had been guilty of idolatry, a crime deserving death by the law of God and of man, the civil magistrate could not legally grant them a pardon; and even though the Church should absolve them, it would be his duty to inflict punishment upon them."*

But passing these things, as lying rather beyond my present scope, it makes marvellously little difference to the persecuted, whether their persecutors act on Erastian or non-Erastian principles. It would be very poor consolation

* ROBERTSON'S *History of Scotland*, Book viii.

to tell them, that in this joint-stock business of the magistrate and the kirk, they had so managed it as not to "confound the one jurisdiction with the other." George Wishart was burnt by parties who were not Erastians. Cardinal Beaton and his council of bishops and abbots tried him for heresy, and condemned him, in the exercise of an authority which they claimed to hold from the Lord Jesus, who hath appointed in His Church a government in the hand of church-officers, distinct from the civil magistrate. Bartholomew Legate was burnt by parties who proceeded on principles thoroughly Erastian. Bishop King tried him for heresy, and condemned him, in the exercise of a power which he had derived from King James, "under God, the only supreme governor of this realm . . . as well in all spiritual or ecclesiastical things as temporal" (Canon 36, 1603); "archbishops, bishops, archdeacons, and other ecclesiastical persons, having no manner of jurisdiction ecclesiastical but by and from your royal majesty" (37 Henry VIII. cap. 17). But what mattered this to Wishart and Legate at the stake? Both were burnt; and the flames were equally tormenting and consuming in both cases.

And whether it is done Erastianly or non-Erastianly, civil punishment for disobedience to Church censure is persecution in all its naked odiousness. Such disobedience is a purely spiritual offence, in things belonging to the domain of conscience and religion; and to punish men on grounds of religion is to persecute them. This second canon, therefore, like the first, legalises persecution; and, imposing it on the magistrate as pertaining to his "Office in the Kirk," it necessitates it. It opens for it, too, the widest door. It finds work for it throughout the whole compass of religion. Of all appertaining to religion, the Church has cognisance. Every religious offence exposes to its censure; any censure may be

disobeyed ; and if the magistrate does the duty here assigned him, verily his " Office in the Kirk " will be no sinecure !

The canon, moreover, is wider in its sweep than the modern reader will readily suspect. When he reads of the magistrate " punishing them civilly that will not obey the censure of the Kirk," he naturally thinks, in the present state of things, only of the Established Kirk ; and he consoles himself with this : that there is a way of escape from this punishment to all who do not relish it, and that more than half of the nation have made their escape from it. But this is to misapprehend the canon. The Kirk, it must never be forgotten, for which this Book of Policy was prepared, was an exclusive Kirk : it suffered no dissent from it, and it claimed and exercised jurisdiction over all the subjects of the realm.* As long as this Book was law, non-conformity, and even infidelity, did not exempt from the Kirk's censure, and from the magistrate's punishment for disobedience to it. These were sins incurring the heaviest censure and punishment ; and the disobedient had no escape from either, unless by expatriating themselves ; and even that was once and again forbidden them.

In 1592, oppressed Presbyterianism revived. It triumphed

* " It would have been well if churchmen in this country had always acted on the principle of abiding stedfastly by their spiritual functions, without incessantly employing, as they did, the civil magistrate to assist, maintain, and fortify the discipline of the church, by the imposition of civil pains and penalties, as fine and imprisonment, banishment, infamy, or even death. . . . Though the ministers disclaimed the power of exercising civil jurisdiction, they insisted on teaching the magistrate how it should be exercised according to the word ; and this office they were not slack to fulfil, too often in utter disregard of the compunctious visitings of nature.

" It must be remembered, also, that their claims of jurisdiction were not confined to members of their own communion. Every living soul

for an hour, after a long and arduous struggle with Episcopacy. The Kirk recovered its power: adverse legislation was repealed: favourable legislation was ratified anew: and an Act was passed, which has been called "The Charter of the Liberties of the Kirk." The yoke of Erastianism was thrown off, and spiritual independence vindicated; but the result was only a fresh development of the persecuting principles of the age. It was against Popery more immediately that these principles were now brought into play. I must not detail the events of the period; but an extract or two from Tytler will sufficiently indicate them, and will also supersede the necessity of any reasoning of mine on them.

"Had the Kirk contented itself with these triumphs (in 1592), and rested satisfied with the King's present disposition, all things might have remained quiet: for the Catholics, convinced of the madness of their projects, were ready to abstain from all practices inimical to the religion of the State, on the simple condition that they should not be persecuted for their adherence to the ancient faith. But the Kirk was not disposed to take this quiet course. The principle of toleration, divine as it assuredly is in its origin, yet so late in its recognition, even among the best men, was then utterly unknown to either party, Reformed or Catholic. The permission of a single case of Catholic worship, however secret,

within the realm must either conform to the same profession and practise the same worship, and submit to the same discipline, or undergo the vengeance of the law. If the ancient claims which were actually sanctioned were now to be reduced to practice, religious liberty would be at an end. A gentleman would not be allowed to educate his child, unless the church approved of the choice of a pedagogue. A stripling or a girl of the examinable age, must either communicate in the parish church, or pay a fine according to the rank of the parties."—*Lectures on the History of the Church of Scotland*. By the late Very Reverend JOHN LEE, D.D., LL.D., Principal of the University of Edinburgh, i. 203, 204.

—the attendance of a solitary individual at a single mass, in the remotest district of the land, in the most secluded chamber, and where none could come but such as knelt before the altar for conscience sake, and in all sincerity of soul—such worship, and its permission for an hour, was considered an open encouragement of Antichrist and Idolatry. To extinguish the mass for ever, to compel its supporters to embrace what the Kirk considered to be the purity of Presbyterian truth, and this under the penalties of life and limb, or in its mildest form of treason, banishment, and forfeiture, was considered not merely praiseworthy but a point of religious duty; and the whole apparatus of the Kirk, the whole inquisitorial machinery of detection and persecution, was brought to bear on the accomplishment of these great ends. Are we to wonder that under such a state of things, the intrigues of the Catholics for the overturn of a government which sanctioned such a system continued; that when they knew, or suspected that the King was averse to persecution, they were encouraged to renew their intercourse with Spain; and to hope that a new outbreak, if properly directed, might lead either to the destruction of a rival faith, or to the establishment of liberty of conscience.”*

“To this sweeping act of persecution (the utter destruction of the Catholic Earls, and the extirpation of the Catholic faith; the only price at which the support of the ministers of the Kirk was to be bought in 1593), the monarch would not consent. At this moment, thirteen of the nobility of Scotland were Catholics; and, in the northern counties, a large proportion of the people were attached to the same faith. It was insisted on by the leading ministers of the Kirk, in a Convention of the Estates which the King summoned at this time, that the strictest investigation should be made for

* *History of Scotland*, ix. 74-76.

the discovery and imprisonment of all suspected of heresy ; and that, under the penalties of forfeiture and banishment, they should be compelled to recant, and embrace the Reformed religion. The severity and intolerance of such demands will be best understood by quoting the words of the original. The Kirk represented that, ‘seeing the increase of Papistry daily within the realm,’ it was craved of his Majesty, with his Council and nobility at that time assembled, ‘that all the Papists within the same be punished according to the laws of God and of the realm. That the Act of Parliament might, *ipso facto*, strike upon all manner of men, landed or unlanded, in office or not, as it at present strikes against beneficed persons. That a declaration be made against all Jesuits, seminary priests, and trafficking Papists, pronouncing them guilty of treason ; and that the penalties of the Act may be enforced against all persons who conceal or harbour them, not for three days as it now stands, but for any time whatsoever. That all such persons as the Kirk has found to be Papists, although they be not excommunicated, should be debarred from occupying any office within the realm, as also from access to his Majesty’s company, or enjoying any benefit of the laws. That upon this declaration, the pains of *horning* and other civil pains should follow, as upon the sentence of excommunication ; and that an Act of Council should be passed to this effect, which in the next Parliament should be made law.’”*

These are some sample illustrations of the persecuting principles of the Scottish Reformers prior to the Westminster era ; and my own feeling is that they are superfluously copious. Manifest it is, that to our forefathers of those times, religious liberty was a *terra incognita*. They had not caught a glimpse of its first principles. It has been said of England in those

* *History of Scotland*, ix. 92, 93.

days, and the remark is equally applicable to Scotland : " Both parties (Churchmen and Nonconformists), agreed too well in asserting the necessity of a uniformity of public worship, and of calling in the sword of the magistrate for the support and defence of their several principles, which they made an ill use of in their turns, as they could grasp the power into their hands. The standard of uniformity, according to the bishops, was the Queen's supremacy, and the laws of the land ; according to the Puritans, the decrees of provincial and national synods, allowed and enforced by the civil magistrate ; but neither party were for admitting that liberty of conscience and freedom of profession which is every man's right, as far as is consistent with the peace of the government he lives under."*

" That total disregard of the rights of conscience, which was common to all parties in the sixteenth century."†

" At the end of the sixteenth century, the simple proposition, that men for holding or declaring heterodox opinions in religion should not be burnt alive or otherwise put to death, was itself little else than a sort of heterodoxy ; and though many privately must have been persuaded of its truth, the Protestant churches were as far from acknowledging it as that of Rome. No one had yet ventured to assert the general right of religious worship, which, in fact, was rarely or never conceded to the Romanists in a Protestant country, though the Huguenots shed oceans of blood to secure the privilege for themselves."‡

" The ideas of that age in regard to religious liberty were radically and totally wrong. It was the universal conviction that only one Church ought to be allowed by government to

* NEAL'S *Puritans*, i. 147.

† HALLAM'S *Constitutional History of England*, 138.

‡ HALLAM'S *History of Literature*, i. 559.

exist, that that Church ought to be supported by the authority of Parliament, and that all deviations from its principles should be suppressed by civil pains and penalties. This was the belief of the Romish Church, and she acted on it with unrelenting vigour so long as she possessed the power, persecuting with fire and sword in all directions ; but it was also the belief of the Reformed Church, though she had been restrained by her purer faith from carrying it out to the same extent of cruelty."

"The true idea of religious liberty, or even of toleration, was quite unknown to any party in those days."*

* *The Pictorial History of Scotland*, i. 443, 445.

CHAPTER III.

PERSECUTING PRINCIPLES PREVALENT DURING THE ERA OF THE WESTMINSTER ASSEMBLY.

THE Westminster Assembly was convened, by an Ordinance of the Lords and Commons of England, on the 1st July, 1643. But I shall not be guilty of a great anachronism, if I date the era, of which the meeting of the Assembly was one of the great events, from the beginning of the Second Reformation.

The era was inaugurated in Scotland by the renewal of the National Covenant; a document usually bound in the same volume with the Westminster Confession. And let me not be misunderstood here. I hold the lawfulness and dutifulness of covenanting, and the eminent seasonableness of it in 1638. I also admit, and glory in the admission, that the Covenant of that year is instinct with the piety and the patriotism of our ancestors. But after all this has been said, it remains to be said, that the Covenant bristles with persecution. The reader will be pleased to turn to it; and a slight analysis of it will make its persecuting principles clear as noonday.

First of all, the Covenant gives its sanction to the fundamental principle of all State persecution in religion, viz. :—the authority of the State over its subjects in matters of

religion. It "declares, that there is no other face of kirk, nor other face of religion, than was presently at that time, by the favour of God, established within this realm; 'which therefore is ever stiled God's true religion, Christ's true religion, the true and Christian religion, and a perfect religion;' which, by manifold Acts of Parliament, all within this realm are bound to profess, to subscribe the articles thereof, the Confession of Faith, to recant all doctrine and errors repugnant to any of the said articles . . . And all magistrates, sheriffs, etc., . . . are ordained to search, apprehend, and punish all contraveners: . . . and that notwithstanding the King's Majesty's licences on the contrary, which are discharged, and declared to be of no force, in so far as they tend in any wise to the prejudice and hinder of the execution of the Acts of Parliament against Papists and adversaries of true religion."

Of course, every man ought to be fully persuaded in his own mind of the truth of the religion which he professes, and of the Church to which he adheres. But it is a totally different thing for the State to declare that there is no other face of kirk or of religion than it has established; and to declare all the lieges bound, by manifold Acts of Parliament, to be members of that kirk, and to profess that religion. This is the State authoritatively enjoining on the lieges their kirk and their religion. It is also the State's authoritative proscription of all other kirks and religions. It is a forbidding of them to shew face within the realm. The proscription must be enforced if law is to be law; and the enforcement of it is downright systematic persecution. The appliances of law to uphold and vindicate its own authority and acts, come forthwith into requisition. "All contraveners" must "be punished;" and "all magistrates, sheriffs, &c., ordained to search, apprehend, and punish" them.

This the Covenant lays down, both historically and dogmatically, as the law of Reformed Scotland; and one of the grand objects of the Covenant was to secure the execution of this law. It proceeds accordingly to say, "It is declared and ordained, Seeing the cause of God's true religion and his Highness's authority are so joined, as the hurt of the one is common to both; that none shall be reputed as loyal and faithful subjects to our sovereign Lord, or his authority, but be punishable as rebellers and gainstanders of the same, who shall not give their confession, and make their profession of the said true religion." To this it comes, if king and parliament have authority over the subjects in the domain of religion. To refuse to confess and profess the established religion, is an iniquity to be punished by the judge! Dissent and disloyalty are identical! Nonconformists are "rebellers and gainstanders" of the sovereign! So bigots and tyrants still think; and here was law for it. Would that in these times we had a taste of this law, though it were only for a twelvemonth! It would do a deal of good to certain Scotch fellow-nonconformists to be labelled as rebellers and gainstanders of our sovereign Lady the Queen, even though in her clemency she should spare them the "pecunial and corporal pains" of rebellion. They would have less ill to say of brethren who *qualify* their adherence to the formularies of the Reformed Kirk of Scotland, and less conceit of at least some of its principles.

Further, the Covenant bound all who took it to persecute. "We promise and swear," said they, "by the GREAT NAME OF THE LORD OUR GOD, to continue in the profession and obedience of the foresaid religion; and that we shall defend the same, and resist all these contrary errors and corruptions, according to our vocation, and to the uttermost of that power that God hath put in our hands, all the days of our

life." How were they to fulfil this solemn engagement? The Covenant tells us. They were to fulfil it by "conforming to the practice of the godly in former times," by copying "the laudable example of our worthy and religious progenitors." The king was to fulfil it by fidelity to his Coronation oath, which the Covenant engrosses, and on which I have already animadverted; being "careful to root out of his empire all heretics and enemies to the true worship of God, who shall be convicted by the true kirk of God of the foresaid crimes." And all others, in their several places, were to fulfil the engagement by aiding in the execution of the persecuting acts, then, and so long after, such a foul blot on our statute-book. Those Acts the Covenant largely recites, approves, and lauds. "Papistry and superstition were to be utterly suppressed. . . . To this end, all Papists and Priests were to be punished with manifold civil and ecclesiastical pains, as adversaries to God's true religion, preached, and by law established, within this realm, . . . ; as common enemies to all Christian government, . . . ; as rebellers and gainstanders of our Sovereign Lord's authority, . . . ; and as idolaters. . . . In particular," the following parties were to "be punished:" "the maintainers of the Pope's authority and jurisdiction," . . . ; "the spreaders and makers of books, or libels, or letters, or writs, containing the Pope's erroneous doctrine, or any other erroneous doctrine repugnant to any of the articles of the true and Christian religion, publicly preached, and by law established in this realm, . . . ; all sayers, wilful hearers, and concealers of the mass, the maintainers and reseters of the Priests, Jesuits, trafficking Papists, . . . ; the homebringers of erroneous books and writs, containing erroneous doctrine against the religion presently professed, . . . ; and the users of the monuments and dregs of idolatry, who were to be

punished for the second fault as idolaters (that is, with death,)” . . . Such had been “our worthy and religious progenitors’” way of countenancing and promoting true religion, and defending it against all adversaries; and all who took the Covenant swore that they would imitate their “laudable example.”

The imposition of the Covenant, moreover, by the civil power, was persecution. It was meant to be turned into a civil ordinance. It was prepared with this view. In 1639, the General Assembly of the Kirk supplicated the Privy Council to give it “the force of an Act, obliging all his Majesty’s subjects to subscribe it, under all civil pains,” which the Council did; and at length, in 1640, “the estates of Parliament ordained and commanded the said Covenant to be subscribed by all his Majesty’s subjects, of what rank or quality soever, under all civil pains.” The Vatican never issued a more persecuting command. The subject might be a Papist; but, maugre his papistical conscience, he must subscribe the Covenant. The subject might be a Prelatist; but, maugre his prelatie conscience, he must subscribe the Covenant. The subject might be an Independent, or a Baptist, or any such Sectary; but, maugre his sectarian conscience, he must subscribe the Covenant. They must subscribe the Covenant, which was tantamount to swearing it; and by doing so, to what did they bind themselves? To suppress, “according to their vocation, and to the uttermost of their power,” their own religions, and to root the adherents of them out of the land! The subject might be a man of no religion; but, maugre his infidel and impious conscience, he must swear the Covenant, mocking “the Great Name of God,” and doing religion the utmost indignity. All must swear it, or expose themselves to the “all civil pains,” under which it was imposed.

The way in which certain partisan writers deal with this

52 *Persecuting Principles prevalent during*

persecution would be amusing, were not the subject so very serious. Not a few of them ignore it altogether. They pass it by, as if it neither needed to be justified nor deserved to be condemned ; dwelling instead on the cordiality, and even enthusiasm, with which the covenant was taken by Presbyterian zealots. Dr. Aiton, having expatiated on this, entertains us with the following small story, from Historical Miscellanies MSS., as if it were a fair specimen of any slight compulsion that was applied to refractory minorities. “ On Thursday, at Lanark, five or sax ministers, that kythed themselves for conformity, and refused to send Commissioners to Edinburgh (to the great gathering at which the Covenant was adopted and signed), got their paiks soundly from the wyffes there.”* But there were other “paiks” soon going, as the above ordinance of the Estates required. “ In every document of the time we have instances of the persecuting spirit of the Covenanters. The following are taken from John Nicholl’s Diary :—‘At this time, also, my Lord Linton was excommunicate, and wardit (imprisoned) for taking in marriage the Lord Seytoun’s relict, dochter to the late Marques of Huntlie, scho being excommunicate for Poprie.’ ‘ At this tyme, and sundry yeiris before, many persones were trublit for not subscriyving the Covenant, and ministeris deposit for the same. Mr. Gawin Stewart, minister of Dalmellington, not onlie deposit fra his ministrie, bot he debarrit *ab agendo* in all his actiones and causis civill for recovery of his dettis. Lykewayis James Macaulay, goldsmith, was not only excommunicate for refusing to subscribe the Covenant, bot lykewayis at his death, his corps dischargit to be bureyit in the church-yaird.’”†

* *Life and Times of Alexander Henderson*, 258.

† *Church History of Scotland*. By the Rev. JOHN CUNNINGHAM, Minister of Crieff, ii. 139, 140.

Other writers of this school, if less discreet, are more valorous. They are bold enough to deny the persecution which I charge upon the Covenant. They explain the mixing in it of civil and sacred things (an unhappy mixture, the blame of which lies, of course, with the Covenanters); and, having made this explanation, they aver that it was the violation of the civil part only of the Covenant that was visited with "civil pains." This, so far from being true, is the reverse of the truth, and the Covenanters would not have thanked such apologists for their vindication. They would have resented it as a reproach. The suppression of all false religion, and the punishment of religious offenders, they regarded as the most sacred duty of the civil power that God had put in their hand; (it was what they most expressly bound themselves to in the Covenant;) and they would have felt themselves deeply wronged and defamed, had they heard it pleaded in their behalf that they disclaimed this duty, or that they performed it with a slack hand.

Happily, there are writers who honourably contrast with these, and who did not look at the facts of history through Voluntary spectacles, or under the influence of any prejudice against the Reformed Kirk of Scotland.

"This ordinance, (the Act of the Privy Council giving the Covenant the force of a law,) so popular throughout the kingdom, was, in fact, an engine of severe persecution. It required, by authority, from all ranks of men, and particularly from those whose opinions were suspected, subscription to a number of propositions, about which multitudes must have been totally ignorant, and to maxims respecting ecclesiastical polity, which it is impossible to suppose were not condemned by numbers, who, having for many years lived in communion with an episcopal church, could not be persuaded that such a church was unlawful. So long as signing the

Covenant was a voluntary expression of attachment to a particular cause, much might have been said in its justification. But now, when it was required by an Act of Council and the Church, which it was dangerous to disobey; now that it could be forced by the zealots of a sect upon all whom they chose to harass, it must be abhorred, as occasioning, to the conscientious part of the community, much wretchedness, and as calculated to diffuse that relaxation of principle, which is the bitter fruit of every deviation from the tolerant spirit of pure religion.”*

“The Covenanters (in the General Assembly, 1639) not only renewed the Covenant, with an explanatory clause, but ordained that all should be compelled to swear it; that it should be especially administered to all Papists, and others suspected of disaffection to the good cause; and that the Privy Council should be requested to superadd civil pains to ecclesiastical censures in cases of reluctance. The Covenant was no longer a bond of brotherhood, but an instrument of oppression; designed at first to work out civil and religious liberty, it was now to be employed to coerce the consciences, and do violence to the faith of the down-trodden Papists and Prelatists. Strange inconsistency! The Covenanters knew full well that it was wrong for the Episcopalians to touch a hair of their head; but they knew not that it was wrong for them to compel Episcopalians to swear to a Covenant they abhorred, with outlawry before them in case of refusal.”†

The famous Glasgow General Assembly met towards the close of 1638, and its proceedings show the persecuting principles which prevailed, and which the times stimulated into mournful activity.

Dissolved by the Royal Commissioner, this Assembly pro-

* COOK'S *History of the Church of Scotland*, ii. 501, 502.

† CUNNINGHAM'S *Church History of Scotland*, ii. 115, 116.

tested against his dissolution, finishing its protest by "declaring, that the said Assembly is, and shall be, esteemed and obeyed as a most lawful, full, and free General Assembly of this kingdom; and that the acts, sentences, censures, and proceedings of it shall be obeyed and observed by all the subjects of this kingdom." "By all the subjects of this kingdom," let it be noted. The Second Reformation, then, yet holds out no promise of religious liberty. The Kirk of it, notwithstanding the humiliation and oppression which it had suffered, is as exclusive and domineering as ever. There is "no face of Kirk" in the land but itself, and there must be none. It claims jurisdiction over "all the subjects of this kingdom," and all must do it homage. In such a state of things, anything worthy the name of liberty was out of the question. The *regime* was changed from Episcopacy to Presbytery, but the tyranny continued. The day came when those lofty pretensions of the Kirk were humbled, and its authority confined to its own voluntary adherents; but that day was not yet. It had to be waited for many a long year.

This Assembly abolished Episcopacy, which had been forced on the country by both James and Charles. This it had an undoubted right to do ecclesiastically, and it nobly asserted the right. It also deposed the bishops, and excommunicated eight of them; whether with "a harshness," and "a vehemence of abhorrence," which ill accorded with the spirit of the gospel, and portended what "we shall soon more distinctly trace, the increasing energy of the bigotry which looks upon persecution almost as a sacred duty," is a question which I need not raise. Material for my purpose, on which there is no room for any difference of opinion, is superabundant.

To consolidate the Reformation which it accomplished,

and to protect it from all assault, this Assembly "ordained that, from henceforth, no sort of person, of whatever quality or degree, be permitted to speak or write against said Confession (the Scots Confession), this Assembly, or any Act of this Assembly, and that under the pain of incurring the censures of this Kirk."* One of these, it is to be studiously remembered, was excommunication, with outlawry following on it.

Not content with this general shielding of itself and its proceedings against all challenge or discussion, this Assembly passed a more particular Act anent the Press, quite of a piece with the anti-Press Acts of the sixteenth century. It provided that, in consequence of "the infecting and disquieting of the minds of God's people, and the disturbance of the peace of the Kirk," by the printing of "pamphlets and polemics," nothing "should be printed concerning the Kirk and religion, except it be allowed by those whom the Kirk entrusts with that charge;" and that it should not be lawful to print "any Confession of Faith, any protestation, any reasons *pro* or *contra*, anent the present divisions and controversies of the time, or any other treatise whatsoever which may concern the Kirk of Scotland, or God's cause in hand, without warrant subscribed by Mr. Archibald Johnston, clerk of the Assembly:" all this under the pain of "ecclesiastical censures against transgressors," to the enforcement of which the Assembly "felt confident the honourable judges of the land would contribute their civil authority."*

The Covenanters' demand on the King at that period had been for "a Free Assembly and a Free Parliament;" and now they made very manifest what they meant by freedom, and what use they were to make of it. What they demanded was freedom for themselves alone. It was, in fact, freedom

* *Acts of Assembly*, 1638.

to put their yoke on all necks, their gag on all mouths, and their veto on all pens; so that not so much as a word might be spoken or written against their sovereignty and rule. An odd notion they must have had of freedom! Dr. Aiton has not caricatured it in saying, "All men are fond of power, and too many of them abuse it. This is not the only period of our history in which a dominant party has defined civil liberty to be obedience to their will, and religious toleration a belief in their creed."*

The Long Parliament of England met in November 1640; and from the part which it acted, to the end of the period now under review, it is important to notice with what idea of religious liberty it began its work. In 1641, the members of it, who were all members of the Established Church, declared, "that it was far from their purpose to let loose the golden reins of discipline and government in the Church; to leave private persons, or particular congregations, to take up what form of divine service they pleased; for we hold it requisite that there should be, throughout the whole realm, a conformity to that order which the law enjoins according to the word of God."†

The Scottish Parliament of the same year was equally zealous to keep the reins tight, and to force all the lieges to conform in their worship to the established "order." It renewed and ratified 16 James VI. ch. 16. That Act was directed against persons who did not communicate in their own parish church, at least once a-year, and prescribed proper penalties for transgressors: a magistrate, so often as he contravened the Act, was liable to a penalty of 200 merks; every other burgess, to £40 Scots, and to the same for his wife; every child above fifteen years of age residing in the

* *Life and Times of Henderson*, 451.

† NEAL'S *History of the Puritans*, ii. 313, 314.

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family, to one-fifth of said sum; and every servant, to one year's fee.*

The General Assembly of the Kirk was not behind either Parliament, in its jealousy lest liberty of worship should degenerate into the licentiousness of people "taking up with what form of divine service they pleased." In 1642 it "enjoined every Presbytery to proceed against non-communicants, whether Papists or others, according to the (above) Act of Parliament made thereanent."†

In the same year the Assembly decreed, that "every Presbytery would convene, at their first meeting, all known Papists in their bounds, and require them to put out of their company all friends and servants who are Popish, within one month; also, within that space, to give their children, sons and daughters, who are above seven years old, to be educate at their charges by such of their Protestant friends as the Presbytery shall approve; and find sufficient caution for bringing home, within three months, such of their children who are without the kingdom, to be educate in schools and colleges at the Presbytery's sight; to find caution, likewise, of their abstinence from mass and the company of all Jesuits and Priests." Farther, "That all, of whatsoever rank or degree, who shall refuse to give satisfaction in any of the foresaid Articles shall be processed without delay; but those who give satisfaction shall be dealt with in all meekness after this manner: the Presbyteries shall appoint such of their number as they shall judge fittest to confer with them, so frequently as the brethren are able to attend, untill the middle of October next; against which time, if they be not willing to go to church, they shall give assurance to go and dwell in the next adjacent university town, whether Edinburgh, Glas-

* *Collection of Laws in favour of the Reformation in Scotland*, 85.

† *Acts of Assembly*, 1642.

gow, St. Andrews, or Aberdeen, from November 1st to the last day of March, when they shall attend all the diets of conference, which the professors and the ministers of the bounds shall appoint them. By which, if they be not converted, their obstinacy shall be declared in the provincial Synods of April, and from thence their process shall go on to the very closure, without any further delay.”* The “closure,” it is superfluous again to say, was excommunication.

In 1641 these persecuting principles received a melancholy exemplification in the case of the Dowager Marchioness of Huntly. The Kirk commanded her to abjure Popery, of which she was a staunch adherent, and to conform to the established Protestantism. Powerful interest was used in her behalf, but without effect: she must obey, or face the terrors of excommunication, and suffer the forfeiture to which it exposed. She preferred to go into exile in France, whither she had to flee in a very inclement season of the year. “A strange thing to see a worthy lady of seventy years of age put to such travail and trouble, being a widow; her eldest son, the Lord Marquis, being out of the kingdom, her other children dispersed and spread, and, albeit nobly born, yet left helpless and comfortless, and so put at by the Kirk that she behoved to go or else abide excommunication, and thereby lose her estate and living, whilk she was loath to do.”†

The year of the Solemn League and Covenant was 1643. The object of it, as concerned religion, was unity in religion and uniformity in Church government. A nobler object could not have been proposed; and it was to realise it, that the Westminster Assembly was convened to prepare “one Confession of Faith, Form of church government, Directory for worship, and Catechism,” which were to unite Scotland,

* *Acts of Assembly*, 1642.

† SPALDING'S *History of the Troubles in Scotland*, 239, 240.

England, and Ireland, "that the Lord may be one, and His name one." But "dead flies cause the ointment of the apothecary to send forth a stinking savour;" and a *dead fly* tainted this great project, and made it noisome. The unity and uniformity contemplated were to be forced on the three kingdoms: they were forced on them; and the costly attempt not only proved abortive, but postponed the blessed consummation, no one knows how long.

The observations which I have made on the National Covenant equally apply to the Solemn League and Covenant. It proceeds on the same fundamental principle, the power of the State over the subjects in matters of religion; and it makes the same tyrannous uses of it.

All who swore the Solemn League and Covenant bound themselves to persecute. They bound themselves to "endeavour the extirpation of Popery, Prelacy, . . . superstition, heresy, schism, profaneness, and whatsoever shall be found contrary to sound doctrine and the power of godliness." My charge here rests on the word "extirpation;" and a living author has sneered at it as rested on a "vulgar prejudice." "It is hardly necessary," says he, "to expose the vulgar prejudice which, taking advantage of a term now become obnoxious, would identify the *extirpation* of Popery and Prelacy with the extirpation of the *persons* of Papists and Prelatists."* Smart, I grant; but not quite so wise as it is witty. If the subject to be "extirpated" by the Solemn Leaguers was the *errors*, not the *persons*, of men, then the subject to be "rooted out" by the Scottish Sovereigns, according to their Coronation oath, was not the *errors*, but the *persons*, of men; for it was "all convicted heretics and enemies of the true worship of God" that they were to "root out" of their dominions. Will Dr. M'Crie admit this?

* M'CRIE'S *Sketches of Church History*, i. 282.

I trow not. The truth is, his verbal arguing proves nothing. It assumes, not only a distinction, but a separation between *persons* and their *principles*, which has no existence save in the brains of over-smart polemics. According to this polemic, the Solemn Leaguers were to extirpate, not the persons of Papists, &c., but their errors ; not the bad trees, but their fruits : and if so, they used not an “obnoxious” term only, but a wrong one ; for *trees are extirpated*, and *fruits plucked*. But if they did not succeed in their pious endeavour—if Papists, &c., “were not converted,” to use the language of the Act of the General Assembly of 1642, what then ? Were the bad trees to be allowed to grow and flourish in the soil, and to yield their pestilent fruits ? Certainly the Solemn Leaguers did not mean this ; and I hardly think that Dr. M’Crie will affirm that they did, though I may be warped by “vulgar prejudice,” which, by the way, one so conversant with history should not have vilified as “vulgar.” It has some claim to the dignity of being even a *royal* prejudice ! If the reader will look back to the Writ for burning Legate, he will see that James “extirpated heresies” by “punishing convicted heretics with condign punishment.” And he had common sense on his side. He knew that an effectual way, the only effectual one, indeed, of getting rid of bad fruits is rooting out the trees that bear them. In fact, he could do nothing else with Legate, if he was to do anything at all with him. To talk of his extirpating his Arianism, and yet allowing the Arian to maintain and spread it, is to talk nonsense. And if the civil power is to do anything at all with obstinate heretics, on whom the Kirk has in vain expended all her appliances to convert them, it can do nothing else but restrain and punish them, that others may hear and fear. This is what the Solemn Leaguers swore that they would do. So they abundantly explained themselves, as will appear in the

progress of this chapter. Nay, so they explained themselves in the Covenant itself:—"iv. We shall also, with all faithfulness, endeavour the discovery of all such as have been or shall be incendiaries, malignants, or evil instruments, by hindering the reformation of religion, . . . ; that they may be brought to public trial, and may receive condign punishment, as the degree of their offences shall require or deserve."

The matter is so plain that no wit, no subtlety, no sophistry can mystify it. In swearing that they would "endeavour the extirpation of Popery, Prelacy," &c., the Covenanters swore that they would forbid these things as State crimes, as well as sins against God, and would punish those guilty of them, that the land might be purged of them. "If by 'extirpation' it could be supposed that nothing more was intended than that *figurative* extirpation, which may be produced by argument and moral influence (and that gloss has been sometimes attempted upon the passage), there could be no objection, except that a harsh and revolting word had been used. But the context of the Covenants, the measures that were occasionally sanctioned by the leaders, as well as the universal intolerance of the period, will not permit this mild construction. It cannot be doubted that the extirpation might be by civil pains, and penalties, and coercions." *

Again, the imposition of the Solemn League and Covenant by the civil power was persecution. Drafted by Henderson, it was readily adopted by the General Assembly. Presented on the same day to the Convention of Estates, it was as readily received and ratified by them. It was then transmitted to London; sworn by the Westminster Assembly, by the Scotch Commissioners, and by the Lords and Commons of England; and was enjoined to be sworn by all the lieges

* DODDS' *Fifty Years' Struggle of the Scottish Covenanters*, 48.

above eighteen years of age, "under pain of being branded as malignants," and the names of all refusers were ordered to be returned to the House of Commons. It was then returned to Scotland; and the Committee of Estates "ordained the same to be, with all religious solemnities, sworn and subscribed by all His Majesty's subjects of this kingdom; and that under the pain, of such as postpone and refuse, to be esteemed and punished as enemies to religion, His Majesty's honour, and the peace of thir kingdoms: and to have their goods and rents confiscate for the use of the public; and that they shall not brook nor enjoy any benefit, place, nor office within this kingdom."* The ordinance farther provided, that such as postponed or refused should be cited to the next Parliament, and receive what farther punishment His Majesty and Parliament should inflict on them.

"Presbytery had not yet learned toleration: It had no idea of dividing with other forms of faith the empire of the land. It must be sole and supreme. Its voice now was different from what it had been when fighting its sore battle against Popery and Prelacy. It had conquered in the strife, and, like other conquerors, it would brook no rival. Every man in Scotland must be a Presbyterian and a Covenanter. And it is amazing how much unanimity was produced by the pressure of penal laws; how quickly Popery had disappeared; how quickly Episcopacy was disappearing; and how entirely the land was Presbyterian. Not content with the universality of its dominion in Scotland, it aspired to the same universality of dominion in England. It would not do to say that some Englishmen conscientiously preferred Episcopacy, and others Independency: were not Episcopacy and Independency forms of error, and must not every error be destroyed? If

* *Collection of Laws in favour of the Reformation in Scotland*, 97.

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Presbytery had prevailed, it is not likely that freedom of religious opinion would even yet have been known." *

The late venerable Dr. M'Crie limits the penalty of refusing the Solemn League and Covenant to "exclusion from places of power and trust." "So far as I know," he says, "it cannot be shewn, that, with the approbation and consent of the public authorities, the Covenant was forced upon any, or that the loss of liberty or of goods was incurred by them for simply refusing it." And he adds, "I frankly confess that I have not yet seen any good reason, in point of religion, justice, or good policy, for condemning the exclusion of those who did not take the Solemn League from places of authority and public trust." †

The late Lord Chancellor Eldon had the same sort of visual organs. He could not see any persecution, any hardship even, in the operation of the Test Act. In opposing in the House of Lords, in 1828, the bill for the Repeal of the Test Act, he said: "The obnoxious Act did not interfere with the rights of conscience, as it did not compel any man to take the sacrament according to the rites of the Church of England, and only deprived him of office if he did not." ‡

When such an authority as Dr. M'Crie is driven to take such ground in defending the Solemn League, one feels fully assured that the defence is desperate. Whether the "exclusion from places of power and trust" of all but one class of religionists was not persecution of all the other classes, it is now too late in the day to dispute. Passing that, I thankfully accept the concession, that the "forcing of the Covenant upon any" would have been persecution.

* CUNNINGHAM'S *Church History of Scotland*, ii. 139, 140.

† *Works*, iv. 209.

‡ LORD CAMPBELL'S *Lives of the Lord Chancellors*, x. 113. Fourth Edition.

This reduces the controversy to a simple matter of fact ; and, with all deference to Dr. M'Crie, the fact is really indisputable. The ordinance enjoining the swearing of the Covenant, expressly threatened the refusers with two things ; first, "the confiscation of their goods and rents ;" and second, their not "brooking nor enjoying any benefit, place, nor office, within this kingdom." Yet, Dr. M'Crie will have it, that refusers did not "incur the loss of liberty or of goods," but only "exclusion from places of power and trust"! Were this true, the "public authorities" must have failed in their duty—they must not have executed the law—and they would not have thanked any apologist of the Covenant for so defending it at their expense. But the assertion of the apologist is not true. It contradicts the very first notable fact that meets the eye on the page of the history of the period, after the passing of the above ordinance by the Estates. It is, that the Duke of Hamilton, his brother the Earl of Lanark, and several others, refused to take the Covenant ; and what was their punishment? They were "declared enemies to God, to their king, and the country ; their estates were ordered to be confiscated ; and soldiers were despatched to seize their persons, with instructions to kill all by whom, in the discharge of this duty, they should be resisted. Hamilton and Lanark, finding it vain to struggle with the violence of the prevailing faction, and dreading the consequences if they surrendered, left Scotland about the end of November, to join the king, who was then at Oxford."*

"In alluding to the Solemn League and Covenant, it must not be kept out of view, that the whole of its spirit was in direct opposition to the spirit of Christianity, breathing an intolerance that sapped the most sacred of those

* *Cook's History of the Church of Scotland*, iii. 73, 74.

rights which it was one of its avowed designs to secure, the vesting a Protestant community with powers inconsistent with the fundamental principles on which the Reformation had proceeded, and particularly, destroying that free exercise of private judgment for which the Reformers, to their immortal honour, had strenuously contended."*

To preserve the covenanted unity in religion, the General Assembly this year proscribed all schismatic books. If it could not prevent freedom of thought, it could and did bar the utterance of it through the press. It enjoined ministers to "search for all books tending to separation;" and "if any be found, to present the same to Presbyteries, that some course may be taken to hinder the dispersing thereof, and earnestly recommend to the civil magistrates to concur with their authority in all things for effectual execution hereof."†

The Westminster Assembly began with Doctrine, and had proceeded as far as the Sixteenth of the Thirty-nine Articles of the Church of England, when, in October of this year, it received an order from the Lords and Commons to confer about Church Discipline and Government, and a Directory for Worship, and to report its opinions and advice thereon with all convenient speed. This brought out the differences in the Assembly, as on other subjects, so on liberty of conscience. The toleration of those who could not conscientiously conform to the established religion came into discussion; and the Assembly's decision on this question makes its principles indisputable.

The question lay between the Presbyterians and the Independents; and it was not, as Rapin mistakes it, Whether shall the Presbyterians or Independents be uppermost? Neither was it, as others represent, for the purpose of

* Cook's *History of the Church of Scotland*, iii. 64, 65.

† *Acts of Assembly*, 1643.

mystifying it, Shall there be a "boundless toleration," under the shade of which men may vent principles and follow practices pernicious to society, and even subversive of it, if they only plead that these principles and practices are a part of their religion? The question was much narrower and simpler. It was, Shall the religious establishment to be set up comprehend the Independents? and if not, if Presbyterianism, pure and simple, is to be the established religion, Shall the Independents be permitted to have separate congregations, and to worship God according to their consciences, without incurring the civil pains and penalties of schismatics?

The question in both its forms the Presbyterians answered in the negative; and on the motion of Cromwell, the House of Commons ordered, "That the Committee of Lords and Commons, appointed to treat with the Scots Commissioners, and the Committee of (Assembly) Divines, do take into consideration the differences of the opinions of the members of the Assembly in point of Church government, and endeavour a union if possible; and if that cannot be accomplished, endeavour to find out some way how far tender consciences, who cannot in all things submit to the same rule, may be borne with, according to the word of God, and consistent with the public peace." In explanation of the terms of this order, it may be stated, that Henderson and his brethren appeared in the Assembly as Commissioners from the Kirk, to treat for uniformity in the three kingdoms, and that they refused to treat except through a regularly constituted Committee of Lords, Commons, and Divines; which Committee was appointed accordingly.

This Committee was now called the Grand Committee of Accommodation. It failed to get the Independents comprehended in the new establishment; the Presbyterians having successfully insisted that their form of government

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should pass into a law, before the exceptions of the Independents were considered. After the lapse of a year, the Committee was revived by an order of the Commons, with the Scottish Commissioners added to it, and set itself to consider how far the tender consciences of the Dissenting brethren might be indulged. Those brethren claimed nothing more than I have stated above ; pleading that they were in entire accord with the Presbyterians on doctrine, worship, and discipline, and disagreed only on Church government. The Committee voted that their claim to be exempted from the Presbyterian jurisdiction, and to have liberty to erect separate congregations, could not be conceded. For this it assigned these six reasons. "1. That this implied a total separation from the established rule. 2. The lawfulness of gathering churches out of other true churches. 3. That the Parliament would then destroy what they had set up. 4. That the members of Independent Churches would have greater privileges than those of the Establishment. (The "greater privilege" of separatists above conformists is thus explained : The conformists "must live in the same parish with the other members of their Church ;" the separatists "may live any where, and be of any Church they please ; yea, though a church of their own way were in the place where they live : " and again, "If the conformists would better themselves in living under the pastoral charge of another minister, they must change their dwelling." The separatists "need not.") 5. That this would countenance a perpetual schism. And, 6. Introduce all manner of confusion in families."*

This controversy continued for months ; and in the course of it, the sub-committee, composed wholly of members of the Westminster Assembly, put in, with approval of the

* *Papers of Accommodation*, 20, 21.

Grand Committee and of the Assembly, such doctrines and arguments as these: "If a pretence of conscience be a sufficient ground of separation, men may gather impure and corrupt Churches out of purer, because upon the dictate of an erring conscience they may disallow that which is pure, and set up that which is agreeable to their erring consciences; and we very much doubt whether tenderness of conscience in doubtful cases will justify a separation."* "This indulgence, if granted, will be the mother of all contentions, strifes, heresies, and confusions in the Church; and contrary to their covenant, which obliges them to endeavour to their utmost a uniformity."†

The Grand Committee met for the last time in March, 1646; when the Sub-Committee thus concluded its report to it: "Whereas their brethren say, that uniformity ought to be urged no farther than is agreeable to all men's consciences, and to their edification; it seems to them, as if their brethren not only desired liberty of conscience for themselves, but for all men, and would have us think, that we are bound by our Covenant to bring the Churches in the three kingdoms to no nearer a conjunction and uniformity than is consistent with the liberty of all men's consciences; which, whether it be the sense of the Covenant, we leave with the Honourable Committee."‡

The Reverend Jeremiah Burroughs declared for the Independents, "that if their congregations might not be exempted from that coercive power of the classes (*i.e.* the Presbyteries); if they might not have liberty to govern themselves in their own way, as long as they behaved peaceably towards the civil magistrate; they were resolved to suffer, or go to some other place of the world, where they might enjoy their

* *Papers of Accommodation*; 51.

† *Ibid.*, 74.

‡ *Ibid.*, 123.

liberty. But while men think there is no way of grace but by forcing all to be of the same mind; while they think the civil sword is an ordinance of God to determine all controversies of divinity, and that it must needs be attended with fines and imprisonment to the disobedient; while they apprehend there is no medium between a strict uniformity and a general confusion of all things; while these sentiments prevail, there must be a base subjection of men's consciences to slavery, a suppression of much truth, and great disturbances in the Christian world."

"Thus ended the last Committee of Lords and Commons, and Assembly of Divines, for Accommodation, which adjourned to a certain day, but being then diverted by other affairs, never met again. Little did the Presbyterian divines imagine, that in less than twenty years all their artillery would be turned against themselves; that they should be excluded from the Establishment by an Act of Prelatical uniformity; that they should be reduced to the necessity of pleading for that indulgence which they now denied their brethren; and esteem it their duty to gather churches for separate worship out of others, which they allowed to be true ones. If the leading Presbyterians in the Assembly and City had carried it towards the Independents, on the foot of a limited toleration, they had, in all likelihood, prevented the disputes between the Army and Parliament, which were the ruin of both; they might then have saved the Constitution, and made their own terms with the King, who was now their prisoner; but they were enamoured with the charms of Covenant-uniformity, and the divine right of their Presbytery, which, after all, the Parliament would not admit in its full extent. Mr. Baxter, who was no friend of the Independents, says, 'that the Presbyterian ministers were so little sensible of their own infirmities, that they

would not agree to tolerate those who were not only tolerable, but worthy instruments and members in the churches, prudent men, who were for union in things necessary, for liberty in things unnecessary, and for charity in all; but they could not be heard.'"*

I may add, that in this anti-toleration battle, the Westminster Assembly was keenly supported by the City divines, who held a sort of weekly Synod at Sion College. They "besought," says Neal, "the members of the Assembly's Committee, to oppose, with all their might, the great Diana of the Independents, and not suffer their new Establishment to be strangled in the birth by a lawless toleration." Addressing the Assembly itself, they said, "We cannot harbour the least jealousy of your zeal, fidelity, or industry, in the opposing and extirpating of such a root of gall and bitterness as toleration is, and will be to future ages."† The Scottish Commissioners signalised themselves by like zeal against the incipient rise of the tide of religious freedom. "Henderson and his brethren were active in the cause, and prevailed on the Scots Parliament to demand of the English Houses their civil sanction to the establishment recommended by the Divines, and not to admit the toleration of sects, as being contrary to the Solemn League and Covenant."‡ "Amidst professions of zeal for liberty, we trace the increasing operation of the most shocking intolerance; all respect for the principles of men was lost in the zeal for uniformity; the ministers who should have laboured to strengthen integrity, were inculcating the necessity of taking oaths from which conscience revolted, and were branding toleration as the most detestable heresy."§

* NEAL'S *History of the Puritans*, iii. 255-261.

† *Ibid.*

‡ AITON'S *Life and Times of Henderson*, 370.

§ COOK'S *History of the Church of Scotland*, iii. 162.

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There is more of admirable PERSECUTORS' ARMOUR in a later official paper of the Westminster Assembly, intituled, "The Reasons presented by the Dissenting Brethren against certain Propositions concerning Presbyterial Government, &c., voted by the Assembly of Divines at Westminster, together with the Answer of the Assembly of Divines to those Reasons of Dissent." I must resist the temptation of extracting from this paper; only hinting, for the gratification of the curious, and to the honour of those who glory in having succeeded to the *entire* heritage of the principles of the Reformed Kirk of Scotland, that in this paper the Assembly justifies the magistrate in enforcing Church censures, by "adding thereto his sentence, yea, death itself, if he see cause, and the crime deserve it"! and, with too much justice, treats the Independents to the *tu quoque* slap, saying, "the civil magistrate doth with as much, if not more rigour and severity, back their church censures, as in the Reformed Churches governed by Presbyteries and Synods."

In 1645, the Directory for Worship was presented to the English Parliament, and was approved and ratified by both Houses. The Estates in Scotland also approved and ratified it, and did "ordain the same to have the strength and force of a law and Act of Parliament, and execution to pass thereon, for observing the same Directory." * All worship not conformed to it was henceforth unlawful, and punishable as rebellion. The Directory did not supplant the old Liturgy in England so speedily and universally as was desired. The English Parliament, therefore, lost no time in passing an Act, "forbidding the use of the Common Prayer Book in any church, chapel, or place of public worship, or in any private place or family, under penalty of £5 for the first offence, £10 for the

* *Act of the Parliament of the Kingdom of Scotland, prefixed to the Directory.*

second, and a year's imprisonment for the third. Such ministers as do not observe the Directory in all exercises of public worship shall forfeit forty shillings; and they who, with a design to bring the Directory into contempt, or to raise opposition to it, shall preach, write, or print anything in derogation of it, shall forfeit a sum of money not under £5, nor more than £50, to be given to the poor. All Common Prayer Books remaining in parish churches or chapels, are ordered to be carried within a month to the Committee of the several counties, to be disposed of as the Parliament shall direct." *

"These were the first-fruits of Presbyterian uniformity, and are equally to be condemned with the severities and oppressions of the late times; for, though it should be admitted that the Parliament or legislature had a right to abrogate the use of the Common Prayer Book in churches, was it not highly unreasonable to forbid the reading it in private families or closets? Surely the devotion of a private family could be no disturbance to the public; nor is it any excuse to say that few suffered by it, because the law is still the same, and equally injurious to the natural rights of mankind." †

This year the General Assembly was greatly afflicted, because the penal laws against religious offenders were not more rigorously executed. To remedy this sore evil it enacted as follows: "The Assembly, understanding that some laudable Acts of Parliament made against non-communicants and excommunicate persons, and of diverse other Acts, containing pecunial pains, for restraining of vice, and advancing piety, is much neglected by the slowness of Presbyteries and ministers in seeking execution thereof; therefore, ordains Presbyteries and ministers to be diligent

* RUSHWORTH, quoted by NEAL.

† NEAL'S *History of the Puritans*, iii. 131.

thereafter, by all means, in prosecuting full and exact execution of all such Acts of Parliament, for lifting the said penalties, &c., and that every Presbytery report their diligence herein, yearly, to General Assemblies."*

The English Presbyterians were similarly afflicted, and urged Parliament to enforce the covenanted unity and uniformity; and that "no toleration might be given to Popery, Prelacy, superstition, heresy, prophaneness, or anything contrary to sound doctrine, and that all private assemblies might be restrained."†

"That all private assemblies might be restrained"! "Private assemblies," *alias* Conventicles. Most Scotsmen know something of what their Presbyterian forefathers suffered for Conventicle holding in the days of the last two Stuarts; but few of them, I suspect, are aware that Charles and James, in restraining and suppressing Conventicles, only acted on the principles of the Covenanters themselves, in the day of their ascendancy. "Private assemblies" were as unlawful in 1645, as they were between 1660 and 1688.

This year the Westminster Assembly did a deed which, even if it stood alone, would be absolutely conclusive as to the persecuting principles which it held. The Divines who, as Dr. Aiton says, "acted the part of grand council to the Parliament in all matters of religion," informed the House of Commons against Paul Best, a person accused of holding Arian sentiments. Best was forthwith thrown into prison, and examined before a Committee of the Commons, which reported on his case, referring for precedents to the cases of Legate and other like delinquents, who had been burnt for their heresies. A Bill for the punishment of Best was accordingly brought into the House; and it was mercifully

* *Acts of Assembly, 1645.*

† *Volume of Pamphlets, No. 34, quoted by NEAL.*

voted that he should be, not burned, but hanged! He escaped, however, by recanting his Arianism before a Committee of the Divines appointed to confer with him. "Such was the tolerance of the Westminster Divines and their Parliamentary friends!" *

The Westminster Assembly having decided against toleration, the Scottish Parliament, in the beginning of 1646, addressed the English, telling the Honourable Houses that it "was expected they would add the civil sanction to what the pious and learned assembly have advised; and I am commanded by the Parliament of this kingdom (said the president) to demand it, and I do in their name demand it. And the Parliament of this kingdom is persuaded that the piety and wisdom of the Honourable Houses will never admit toleration of any sects and schisms contrary to our Solemn League and Covenant."† "At the same time they (the Scottish Parliament) appealed to the people, and published a declaration against the toleration of sectaries and liberty of conscience; in which, after having taken notice of their great services, they observe that there is a party in England who are endeavouring to supplant the true religion by pleading for liberty of conscience, which is the nourisher of all heresies and schisms. They then declare against all such notions as are inconsistent with the truth of religion, and against opening a door to licentiousness, which, to the utmost of their power, they will endeavour to oppose; and as they have entered into one Covenant, so to the last man in the king-

* *Persecution Sanctioned by the Westminster Confession: a Letter addressed to the Clergy, Eldership, and Laity of the Synod of Ulster, &c.* By a MEMBER OF THE SYNOD. Belfast, 1836. I gratefully acknowledge my obligations to this trenchant Letter, more especially for several historical references and illustrations which might otherwise have escaped me.

† RUSHWORTH, quoted by NEAL.

dom they will go on in the preservation of it. And however the Parliament of England may determine in point of toleration and liberty of conscience, they are resolved not to make the least start, but to live and die for the glory of God in the entire preservation of the truth.”* Neal adds that, at this time, “most of the sermons before the House of Commons, at their monthly fasts, spoke the language of severity, and called upon the magistrate to draw his sword against the sectaries :” and that in one of the pamphlets with which the press then teemed the author “writes, that to let men serve God according to the persuasion of their own conscience, is to cast out one devil that seven worse may enter.”

I happen to have before me four extract-specimens of the sermons Neal referred to, and I shall insert them, not troubling myself to dust old tomes to add to them. “What soldier’s heart would not start, deliberately to come into a subdued city and take the little ones on the spear’s point? To take them by the heels and beat out their brains against the wall? What inhumanity and barbarousness would this be thought? Yet if this work be to revenge God’s Church against Babylon, he is a blessed man that takes and dashes the little ones against the stones.”—(MARSHAL’S *Sermon before the Commons*, 1641.) “Do justice to the greatest: Saul’s sons are not spared, nor may Agag, nor Benhadad, though themselves kings. Zimri and Cozbi, though princes of the people, must be pursued into their tents. This is the way to consecrate yourselves to God.” (HERLE’S *Sermon before the Commons*, 1644.) “There is no dallying with God now, much delay hath been used already, too much. God is angry, and he seems to say this once more: ‘Will you strike, will you execute judgment, or will you not? Tell me; for if you will not, I will. I will have the enemy’s

* NEAL’S *History of the Puritans*, iii. 262, 263.

blood and yours too, if you will not execute judgment upon delinquents. The day of vengeance is in my heart, and the year of my Redeemed is come.”—(CASE *to the Commons*, 1644.) “Those mine enemies which would not that I should reign over them, bring hither, and slay them before me. Let me see them executed, Kings, Rulers, people conspiring rebellion against the Lord and against His Christ.” (MAYNARD *to the Commons*, 1646.) *

The London ministers were like-minded with the Scottish Parliament. They thundered this year against the “error of toleration, as promoting all other errors, heresies, and blasphemies whatsoever, under the grossly abused notion of liberty of conscience;” and they complained of it as a sad grievance, “that men should have liberty to worship God in that way and manner as shall appear to them most agreeable to the Word of God, and no man be punished or discountenanced by authority for the same.” †

The ministers of Warwickshire and Lancashire, which the Westminster Assembly had got erected into Presbyterian provinces, issued this year like manifestoes. The latter lamented that “separate congregations from the Presbyterian had been erected and multiplied, confidently expecting a toleration;” and they called on Parliament to listen to “the advice of the Assembly of Divines,” to the effect that “some strict and speedy course might be taken for the suppression of all separate congregations of Anabaptists, Brownists, Heretics, and other sectaries, who should refuse to submit to the said (the Presbyterian) discipline and government:” the House of Lords entering on its records a commendation of the petitioners’ zeal !‡

* *The Quarterly Review*, No. 265, July, 1872, p. 183.

† NEAL’S *History of the Puritans*, iii. 328.

‡ *Letter of a Member of the Synod of Ulster*, 56, 57.

They thus raved against toleration: "A toleration would be the putting a sword in a madman's hand; a cup of poison into the hands of a child; a letting loose of madmen with firebrands in their hands; and appointing a city of refuge in men's consciences for the devil to fly to; a laying of a stumbling block before the blind; a proclaiming liberty to the wolves to come into Christ's fold to prey upon the lambs: neither would it be to provide for tender consciences, but to take away all conscience."*

The Lord Mayor, Aldermen, and Common Council of London sympathised and co-operated with these Hildebrands. They offered a remonstrance to Parliament, complaining "that the reins of discipline were let loose; that particular congregations were allowed to take up what form of divine service they pleased, and that sectaries began to swarm by virtue of a toleration granted to tender consciences." They reminded the members of their Covenant-obligation to "endeavour the extirpation of . . . schism, . . . and whatsoever else was found contrary to sound doctrine; . . . they therefore desired, since the whole kingdom was now in a manner reduced to the obedience of the Parliament, that all separate congregations may be suppressed;" and "that all such separatists who conform not to the public discipline may be declared against."†

This remonstrance was supported by Scotland, and the General Assembly addressed a letter to the Lord Mayor and his brethren, thanking them for their courage against sects and sectaries, and their firm adherence to the Covenant, and "beseeching them to go on boldly in the work they had begun, till the three kingdoms were united in one faith and worship. At the same time they directed letters to the Par-

* CROSBY'S *History of the Baptists*, i. 190.

† NEAL'S *History of the Puritans*, iii. 276.

liament, beseeching them also, in the bowels of Jesus Christ, to give to Him the glory that is due to His name, by an immediate establishment of all His ordinances in their full integrity and power, according to the Covenant. Nor did they forget to encourage the Assembly at Westminster to proceed in their zeal against sectaries.”*

At the desire of this Assembly, the Scottish Parliament “prohibited the printing or publishing any books or papers respecting religion, without special license and privilege of the Kirk or their Commissioners, under pain of confiscation, not only of the books and papers, but of the printer’s presses, printing materials, and other moveable goods whatsoever belonging to him; besides any further personal punishment of him that the Lords of the Secret Council, or the Committees of Parliament or Convention, shall think fit to inflict.”†

The year 1645 very nearly had its martyr: 1646 had the honour of having one. A person of the name of Morgan, braving the penal laws against the Papists, went to Rome for priest’s orders, which he could not get at home. On his return he “was drawn, hanged, and quartered!”‡

In April, 1647, the Westminster Assembly reported the Confession of Faith, with the Scripture Proofs at large, to the Lords and Commons, and was thanked for its labours. In Scotland, the General Assembly did that year agree to and approve the Confession; and by and by the Estates of Parliament did ratify and approve it, and “ordained” it “to be recorded, published, and practised.”§ It thus became the law of the land. This ordinance bound the lieges

* NEAL’S *History of the Puritans*, iii. 276, 277.

† AIKMAN’S *History of Scotland*, iv. 235.

‡ NEAL’S *History of the Puritans*, iii. 314, 315.

§ Act prefixed to the Confession.

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to receive and profess the faith contained in the Confession. Any other faith was henceforth unlawful within the realm ; and was to be restrained and punished by the civil power.

Accordingly, the General Assembly this year legislated thus : “ It becometh us . . . to give our public testimony against the dangerous tenets of Erastianism, Independency, and what is falsely called liberty of conscience, which are not only contrary to sound doctrine, but more special lets and hindrances as well to the preservation of our own received doctrines as to the work of reformation,” &c. It added, “ The civil magistrate may, and ought to suppress, by corporal or civil punishments, such as, by spreading error or heresy, or by fomenting schism, greatly dishonour God, dangerously hurt religion, and disturb the peace of the Kirk.”*

Let the reader digest and ponder this most note-worthy Act. One of the fathers, from whom I count my descent, said of it long ago, most justly and most decisively : “ Here the affair of civil penalties is doctrinally applied to matters of religion as such,—yea to matters of revealed religion as such ; whatever might be judged error or heresy or schism, though merely upon principles of Revelation. And if the magistrate was not to be degraded into a mere blind tool of the Church, he was to assume an authoritative judgment in these matters ; and whatever he should judge to be error or heresy or schism, he was to suppress by corporal and civil punishments. And whether his judgment be right or wrong in the case, the consequence must be all the same : Because what *really is* error or heresy or schism, and what he *judges to be so*, must be all one to him,—he must proceed alike upon what *is so*, and whatever he *takes to be so*. . . . The persecuting and bloody

* *Acts of Assembly*, 1647.

tendency of this scheme, in itself considered, may be obvious enough without further enlargement.”*

The above Act was levelled mainly at the English Independents, whose claim to toleration was already causing much grief and alarm. The Assembly this year passed another similar Act, discharging all members of the Kirk and kingdom from “conversing with persons tainted with such errors” as then prevailed in England, and from importing, selling, or circulating erroneous books or papers, particularly books “maintaining Independency or Separation.” These were to be handed in to Presbyteries, who were to institute immediate processes against transgressors; and the Assembly did “seriously recommend to civil magistrates to be assisting to ministers and Presbyteries in execution of this Act.”†

Not content with these Acts, this Assembly addressed an exhortation to the brethren in England, about the growing and spreading of grievous errors there; prominent among which were, “Independency, and that which is called by the abuse of the word, liberty of conscience, being indeed liberty of error, scandal, heresy, and schism.”‡

On the 13th October, 1647, Presbyterianism received its temporary establishment in England, the only one it ever received there; and the deeds establishing it proclaim the intolerance of the age. Such deeds could never have been framed except by those who had a deadly dread and hatred of all that we now understand by liberty of conscience and the right of private judgment. “That the King be desired to give his sanction to such Acts as shall be presented to

* Display of the Fraudulent and Gross Abuses committed upon the Secession Testimony, in a late publication entitled *The Re-Exhibition of the Testimony*, 33, 34.

† *Acts of Assembly*, 1647.

‡ *Ibid.*

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him, for settling the Presbyterian government for three years, with a provision that no person shall be liable to any question or penalty, only for non-conformity to said government, or to the form of divine service appointed in the ordinances. And that such as shall not voluntarily conform to the said form of government and divine service, shall have liberty to meet for the worship and service of God, and for exercise of religious duties and ordinances in a fit and convenient place, so as nothing be done by them to the disturbance of the peace of the kingdom. And provided that this extend not to any toleration of the Popish religion, nor to any penalties imposed upon Popish recusants, nor to tolerate the practice of any thing contrary to the principles of the Christian religion, contained in the Apostles' Creed, as it is expounded in the Articles of the Church of England. Nor to any thing contrary to the point of faith, for the ignorance whereof men are to be kept from the Lord's Supper; nor to excuse any from the penalties for not coming to hear the Word of God on the Lord's day in any church or chapel, unless he can show a reasonable cause, or was hearing the Word of God preached or expounded elsewhere."

So the Lords voted; and the vote which the Commons added was this: "That the Presbyterian government be established till the end of the next Session of Parliament, which was to be a year after that date. That the tenths and maintenance belonging to any church shall be only to such as can submit to the Presbyterian government, and to none other. That liberty of conscience granted shall extend to none that shall preach, print, or publish any thing contrary to the first fifteen of the Thirty-nine Articles, except the eighth. That it extend not to Popish recusants, or taking away any penal laws against them. That the indulgence to

tender consciences shall not extend to tolerate the Common Prayer."

In 1648, the General Assembly multiplied like Acts ; and in January, 1649, was issued, "A Solemn Testimony against Toleration, and the present proceedings of Sectaries and their Abettors, in reference to Religion and Government. By the Commissioners of the General Assembly of the Kirk of Scotland." In this remarkable document they inveighed thus against the Independents, who six years before had covenanted with them for enforced uniformity in religion in the three kingdoms, but had now fallen away to toleration : "It adds to our affliction that they be such as profess for Jesus Christ, and pretend unto holiness, and seemed once to build with ourselves, whilst now their way is become grievous, and goes down unto the gates of death, as tending to overturn religion, destroy the League and Covenant, and to raze the foundations of government." Another very bitter ingredient in their cup was : "Of all things it most afflicts our spirits, and we cannot but look upon it with horror and amazement, that in a land covenanted with God, after Satan hath been so cunning as to sow the seed of so many heresies and errors, he should now prevail so far upon the spirits of men, as to make them instrumental to plead for a toleration unto all errors, and to endeavour that this monstrous iniquity may be established by a law, and that of so large extent, as carries no exception, but express Popery and compulsion."

The Commissioners agreed thus against the advocates of toleration ; the toleration, be it observed, not of Jews, or Papists, or Socinians (there was yet no toleration of these, nor was it yet seriously sought), but the toleration of "Orthodox Dissenters," who were at one with the Commissioners of the Kirk on doctrine and worship, and differed only on the single subject of government. "It is acknowledged by

many of those with whom we have now to do, that no liberty is to be allowed unto men in the breaches of the duties of the second table, which we owe unto our neighbours, but that if a man sin against his neighbour, and disturb the peace of the commonwealth, he is to be restrained and punished: Can there any solid reason be given why it should not also be thus in regard of the duties of the first table, which we owe unto God? Is not our Lord author of both? Hath not conscience influence upon both? Is not the Lord's glory interested in the one as well as in the other? Doth not His image shine as brightly, and may it not be as much defaced in the one as in the other? Are the things of God less precious than the things of men, and that which concerns the soul less to be cared for than that which concerns the body? Or are we more to value our own damage than the Lord's dishonour?"

Strange doctrine, surely, from the Commissioners of the Anti-Erastian Kirk! Strange confounding of things civil and sacred, and strange subjection of both to the magistrate's authority; so that errors in doctrine and acts of ungodliness it is as competent and dutiful for him to restrain and punish, as it is for him to restrain and punish theft, or sedition, or murder! The Commissioners added, as they had much need to do, "We know that no man hath dominion over the conscience. But the Lord who made it exercises His sovereignty therein; and He hath set a law unto the spirits of men, after the rule whereof they are to order their judgments and affections; and He hath given power to those whom He clothes with authority, which they are to exercise in these things so far as they are manifested in expressions and actions unto the dishonour of His name, and hurt and prejudice of others." That is, religion, in so far as it is an inward thing, a thing of the "judgments and affections" of

men, "the hidden man of the heart," falls under the cognisance of God alone, and is ruled by Him alone; but religion, in so far as it is an outward thing, in "so far as it is manifested in expressions and actions," comes under the cognisance of those "whom God clothes with authority," of whom the civil magistrate is one; and when religion is "manifested in expressions and actions," which the magistrate judges to be dishonouring to God and hurtful to men, these he is to restrain and punish. So the Commissioners of the Kirk dogmatised; and their dogma explains away the right of private judgment, and liberty of conscience. It nullifies them. According to it, for example, a man in those times might think in his heart that he could worship God more acceptably with the help of the Common Prayer Book than without it, and nobody could touch a hair of his head; but if he let out the thought by using the book, he incurred the penalties already mentioned. Or, he might with impunity think in his heart that Scripture baptism was only adult baptism by immersion; but if he let out the thought, by an Act which I shall be at forthwith, he was liable to be cast into prison.

The dogma is from Rome. "Mere inward heresy," says Peter Dens, "has no punishment in this world, nor does it constitute a reserved case."* The Commissioners of the General Assembly of the Kirk were of the same mind; they were as friendly to religious liberty as Dens was. If men kept their heresies pent up in their own hearts, Kirk and King might not touch them; but if their heresies, *i.e.*, be it always remembered, what Kirk and King judged to be heresies, broke out, "then," as has been said, "they came under the lash."

Toleration these Commissioners thus denounced: It is

* Tom. ii. 88.

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“a throne set up for Satan,” a “monstrous iniquity ;” since it “cannot be shown that any part of that power which magistrates had under the Old Testament is repealed under the New ; neither can any convincing reason be brought why it should be of narrower extent now nor then. Are not blasphemies, errors, and heresies, as dishonourable to God and destructive to souls now as of old ?” “Such a cursed toleration as this will not only make every thing in religion appear uncertain, rend the Churches, and disturb the State, and trample all ordinances, order, and government under foot, and bring forth many blasphemies and abominations, but is like to banish religion and righteousness quite out of the land, and at last make a hell upon earth.” *

This Solemn Testimony was at once communicated to the Estates of Parliament, and they cordially responded to it. “They do return unto you their hearty thanks, both for your good correspondence (which the Parliament will with all cheerfulness entertain), and for your great care and faithfulness in giving such necessary and seasonable warnings and testimonies against the dangers of the times, at all occasions : And do heartily concur in the grounds thereof against toleration and the present proceedings of sectaries in England, in reference to religion and government, and in the admonitions and encouragements so fully expressed in the said paper : And do most willingly add this our testimony thereunto, that our brethren of England may be the more moved by the mouth of two witnesses, and especially such as together with them stand and fall, and are covenanted with them for mutual good, to lay those things to heart, and to abstain from all such sinful and dangerous courses,” etc. “We declare that it is our constant resolution, with God’s assistance, to give all seasonable testimonies,

* *Faithful Witness-Bearing Exemplified*, 71-82.

and do all necessary duties within our power and calling, for the preservation of the begun reformation against toleration of all religion, and of the fundamental government against anarchy and confusion; and for continuing and preserving the peace and union between these kingdoms, and all the bands thereof, so often acknowledged and expressed in their treaties, especially *one king, one covenant, one religion*; and for the observance of the manifold declarations emitted between and by both kingdoms to the world, in the positive and necessary duties for pursuance of all the ends of the Solemn League and Covenant.”* The Commissioners for the Kingdom of Scotland also addressed to the Speaker of the House of Commons a Paper quite of the same complexion as those of the Commissioners of the Kirk and of the Estates. It reminded the Commons of the engagement both Houses of Parliament had come under, in the Covenant, “to extirpate Popery and Prelacy, and to suppress heresy and schism;” and it urged on them “the duty of endeavouring that reformation of religion be settled and established as is before expressed; and especially, that the toleration of idolatry, Popery, blasphemy, heresy, and schism, be prevented, lest we partake in other men’s sins, and thereby be in danger to receive of their plagues.”†

The English Parliament shrunk from touching the toleration which Cromwell’s Ironsides had extorted, but it made amends for that by an atrocious “Ordinance against heresy, which subjected to the punishment of death any person who obstinately maintained, published, or defended certain doctrinal errors. And of lesser evils, that they should be obliged publicly to recant their error in the congregation in which they had spread it; and, in case of refusal, be imprisoned till they find security that they will never more maintain or pub-

* *Faithful Witness-Bearing*, 82-84.

† *Ibid.*, 86, 87.

lish any such error."* The Ordinance specified the heresies of both classes—the list of the class to be punished with death amounting to eight, and the list of the class to be punished with imprisonment amounting to sixteen.

The immediate occasion of this horrible Act is said to have been the appearance of the "Twelve Arguments on the Trinity," by Biddle, the father, as he has been called, of modern Unitarians; and the persecution which he suffered is a lurid commentary on the meaning and intent of the Act. On the publication of his "Arguments," he was immediately committed to jail by a Parliamentary Committee then sitting at Gloucester; and, about six months after, his "Twelve Arguments" were ordered to be burned by the common hangman. Still persisting in his opinions, Biddle published two Tracts containing his Confession of Faith on the Trinity, with the Testimonies of Irenæus, Justin Martyr, and other early writers on the subject. It was these publications that induced the Westminster Assembly to petition Parliament to pass the Act quoted above, dooming to death those who should impugn the established opinions on the Trinity or other cardinal points, as well as enacting severe penalties for minor errors. Through the rising influence of "secarian" friends in Parliament, Biddle escaped capital punishment; but he was remanded to prison by President Bradshaw, where he remained for some years, suffering the greatest privations. The Act of Oblivion, in 1651, having restored him to liberty, he published his "Twofold Scripture Catechism," for which, being complained of in Parliament, he was confined in the Gate-house for six months; after which, Cromwell banished him to St. Mary's Castle, Scilly, assigning him an annual subsistence of a hundred crowns, where he continued for three years. The Protector then liberated

* BROWN'S *History of the British Churches*, i. 228, 229.

him ; but, after the Restoration, being still a Nonconformist and a heretic, he was fined in £100, each of his hearers being fined in £20, and condemned to lie in prison till the fine was paid ; and there, for want of air and exercise, he contracted a disease of which he died, in 1662, in the forty-seventh year of his age.

This chapter is already much too long for my limits ; and from what remains of the Westminster era I shall give only two or three gleanings.

The General Assembly of 1649 approved and ratified the proceedings of the Commission of the previous Assembly, of which I have given some specimens, and returned it "heartly thanks." * It also renewed all former protests of Assemblies against toleration ; and to brethren in England it issued a Brotherly Exhortation against it, as "a despising of the oath of God," and a revolt "against so many fair testimonies, which the Lord Jesus Christ hath entered as protestations to preserve His right in these ends of the earth long since given Him for His possession, and of late confirmed by solemn covenant. Christ's right to these kingdoms is surer than that He should be pleaded out of it by a pretended liberty of conscience, and His begun possession more precious unto Him than to be satisfied with a dishonourable toleration." † This year the Scottish Parliament enacted, "That all blasphemers, and revilers, and obstinate deniers of God or of any of the persons of the Trinity, and all worshippers of false gods, . . . be punished with death." ‡ This year Charles I. lost his crown and his life ; the Covenanters, in all their negotiations with him for peace, having in vain insisted that he should swear the Covenant, force every body to do the same, and tolerate no refusers : "an exercise of

* *Acts of Assembly*, 1649.

† *Ibid.*

‡ BROWN'S *History of the British Churches*, ii. 232.

authority which, consistently with reason and virtue, no human being can assume. It is that worst of tyranny which degrades the moral nature of man, which rendered the Papal dominion insupportable, and which had been lately execrated by those who did not scruple to employ its operation.”*

As painfully significant of the presence and the workings of the same “tyranny,” I shall merely point to the terms on which the Scots offered the crown to Charles at Breda; to their requiring him to sign the Covenant before he set foot on their soil; to the declaration which they exacted from him, that he desired to be deeply humbled and afflicted for his father’s, and his mother’s, and his own sins; and to the “blasphemous farce” performed at his coronation at Scone, on the 1st January, 1651, when, Douglas having faithfully instructed him in his duty, more especially that “Popery was not to be suffered in the royal family, nor in his dominions;” that “Prelacy, once plucked up by the root, is not to be permitted to take root again;” that “all heresy and error whatsoever must be opposed by him to the uttermost of his power;” that “by the Covenant he must be far from the toleration of any false religion within his dominions;” and that, “after the example of the Jewish kings, he must set about a thorough reformation, by going to the house of Baal and breaking it down;” he swore the National Covenant, the Solemn League and Covenant, and the Coronation Oath, and the crown was set on his head by Argyle. “To their equal shame,” as Dodds truly says, “both parties were conscious that they had been acting a falsehood before the eyes of a staring and credulous people.”

The Westminster Assembly finished the most of its work in 1647; in 1649 it was changed into a Committee for the

* *Cook’s History of the Church of Scotland*, iii. 89.

trial and examination of ministers ; when the Long Parliament, which had convened the Assembly, was dissolved by Cromwell, that Committee broke up, without any formal dissolution ; and the era which I have been surveying then came to a close.

The survey, I now submit, has demonstrated that persecuting principles were prevalent during the era, and that the Assembly Divines shared them. If "the true idea of religious liberty, or even of toleration, was quite unknown to any party" in the sixteenth century, it was still unknown in the first half of the seventeenth—at least to the party to whom we owe the Westminster Standards. To aver the contrary is to belie the whole history of the Second Reformation, of which the sayings and doings of that party form so great a part. Persecuting principles were the "vice of the age ;" and this is the true apology for the Westminster Divines, and for the Scottish Reformers generally. Had they not held these principles, they would have been so much in advance of their age as to be a prodigy, to which history furnishes no parallel. Their advance would have been a problem, of which there could have been no rational solution. Their meed of praise is, and I heartily accord it to them, that "they were better than their principles." They did not act them out, as Papists and Prelatists did, who, for very shame, should be chary in what they say of the Presbyterians on this head. To say that they did not persecute, is to deny the stubborn facts of history. They persecuted ; but they have no St. Bartholomew to answer for. Their memory has no such burden of infamy to bear as that which attaches to the names of the tyrants and murderers who destroyed our land from 1660 to 1688.

But if the Westminster Divines held persecuting principles, the question with which I am dealing is virtually settled.

They treat in the Standards of "Christian Liberty, and Liberty of Conscience," and "Of the Civil Magistrate." They must have put their own principles into these Chapters: they had nothing else to put into them. To say that their own principles are not there, is to raise another insoluble problem. It is, in fact, to affirm what is as paradoxical and incredible as if one, with the prior history of the Church of Rome before him, were to affirm that there is nothing persecuting in the decrees of the Council of Trent.

I have said above, that the true idea of religious liberty was unknown in the first half of the seventeenth century to the party to whom we owe the Westminster Standards. I must now say the same of all other religious parties then, however it may have been with individuals among them; and Bossuet extends the remark to the whole of the century. "Even at the close of the seventeenth century, Bossuet was able to maintain that the right of the civil magistrate to punish religious error was one of the points on which both Churches (the Popish and the Protestant) agreed; and he added that he only knew two bodies of Christians who denied it. They were the Socinians and the Anabaptists."*

Intolerance was the vice of the age; and our Presbyterian ancestors only shared it with their contemporaries. Even the Independents, whose claim to toleration our fathers so jealously resisted, did not know the true idea of religious liberty. Had they known it, they never would have given any countenance to the scheme of confining toleration to those who were sound in the fundamentals of Christianity; their leading men drawing up a list of these fundamentals, which, as Hetherington observes, would have "excluded

* LECKIE'S *Rise and Influence of the Spirit of Rationalism in Europe*, ii. 59.

from toleration all Deists, Papists, Socinians, Arians, Antinomians, and Quakers, and even Arminians by no very strained construction.”* Had they known the true idea of religious liberty, they would never have urged in their “Apologetical Narration,” that their sentence of *non-communication* would be as effectual as Presbyterian *excommunication*, “if the magistrate’s power (to which we give as much, and, as we think, more power than the principles of the Presbyterian government will suffer them to yield) do but assist and back the sentence.” Had they known the true idea of religious liberty, the Pilgrim Fathers would have carried it with them to the new home in which they sought an asylum from Prelatic persecution; instead of there rancorously and miserably practising for a while the intolerance which they had expatriated themselves to escape.

On the Continent, as well as in Britain, the true idea of religious liberty was then unknown. Unknown, I mean, in the sense of not being properly understood and appreciated. It was rejected and run down by the highest authorities on the Continent, theological and ecclesiastical. Amesius asks, “Are heretics to be punished by the civil magistrate?” And he answers, “1. That heretics are to be repressed by all the pious, according to the vocation and power which they have received from God, sufficiently appears from the nature of the thing: because all the pious are called to the Christian warfare, that they may severally in their own station oppose themselves to the kingdom of darkness. . . . 4. But if heretics be blasphemous, and pertinacious and stubborn in their blasphemies, they may be punished with capital punishment. For that law, Levit. xxiv. 15, 16, though it does not bind Christians, so far forth as it is law, yet so far forth as it is doctrine that has come forth from

* *History of the Westminster Assembly*, 361.

God, it serves for the direction of Christians in matters of the same kind. When, therefore, the glory of God and the safety of the Church demand a punishment of this kind, it may, these remedies having been tried in vain, and it also ought, to be employed by the Christian magistrate.”*

Turretine gives the same answer to the question ; and so does Voetius. The latter, in the fourth book of his “*Politicae Ecclesiasticae*,” discusses the whole subject with his usual learning and copiousness ; and a very few gleanings from the second chapter of the first tractate of the book, will sufficiently show the principles which he propounds and defends. From what he teaches on liberty of conscience and permission of religions in a State, he deduces, among other corollaries, these two : first, That the magistrate may dismiss from the State subjects or citizens infected with heresy, without persecuting them, without doing violence to their consciences, or exercising tyranny over them ! and, second, That magistrates sin if, without any necessity, they tolerate pernicious heresies and sects. He subjoins many problems, of seven of which I shall give a glimpse. 1. Are liberty of conscience and liberty of habitation convertible, so that heretics and fanatics are persecuted if the right of citizenship or the liberty of habitation is denied them ? He answers in the negative ! 2. May and ought magistrates to refuse and hinder the public or the private-public exercises of worship, not only of Heathens, Samaritans, Jews, Mahometans, but also of heretics sheltering themselves under the Christian name, and pretending their consciences ? He answers in the affirmative ! 3., 4., and 5. He puts the same question as to the worship of Papists, Anabaptists, and Remonstrants, and gives the same answer to it ! wherever the last do not free themselves

* *De Conscientia*, lib. 4, cap. 4.

from the suspicion of Socinianism. 6. Does the magistrate sin, who allows the conventicles of no sects? He answers in the negative! 7. May the magistrate refuse liberty of residence to heretics, apart from all liberty of worship? He answers in the affirmative!

Without dipping further into the book, I only add that a chapter of it is on the question, May and ought the magistrate to hinder the exercises and the propagation of false religions, whether infidel or heretical, only for particular political reasons, and not for general theological reasons? Voetius answers the questions in the negative; and the importance of the answer is great and obvious. General theological reasons being the same at all times and in all places, never and nowhere may the magistrate tolerate a false religion!

CHAPTER IV.

PERSECUTING PRINCIPLES OF CHAPTER XX. OF THE CONFESSION OF FAITH.

I NOW proceed to examine the Westminster Standards themselves, and to show that they do teach persecuting principles in religion. After all that has been said in preceding chapters, I admit that the question under discussion is to be settled by an appeal to the Books themselves. What is written therein? and, rightly interpreted, what does it teach on the question in hand? I also agree with Dr. Hetherington, that the right interpretation is that which hits "the precise meaning the framers of the Confession gave to the words which they employed; for it is not doing justice to them and their work to adopt some modern acceptance of a term used by them in a different sense, and then to charge them with holding the sentiment conveyed by the modern use or misuse of that term." But what follows I cannot allow: "Yet this is the method almost invariably employed by the assailants of the Confession of Faith." I wish that Dr. Hetherington had made at least a reference or two in support of this accusation. As far as my reading has gone, it is a most groundless aspersion. I have not met with a single assailant, worthy of being named, who does the Confession the wrong here imputed to him;

and the imputation can have no other effect than to impose on the ignorant and the credulous.

The truth is, and it is of some moment to state it, that "the words" employed in the Confession have undergone singularly little change of meaning since it was framed. Perhaps there is not another book upwards of two hundred years old, to which the remark applies with anything like the same force. There is not a term in either chapter of the Confession with which I am to deal, of which it can be truly said that it has an ancient and a modern sense. This is most creditable to the compilers of it; and the explanation of the fact lies in this, that they drew their words so studiously and so happily from "the well of English undefiled."

I begin with Chapter xx. of the Confession. It is "Of Christian Liberty, and Liberty of Conscience;" and it is divided into four sections.

The first section gives a general and excellent summary of the truth on "Christian Liberty." The second section lays down the doctrine of "Liberty of Conscience." It runs thus:—"God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men which are in any thing contrary to His word, or beside it, in matters of faith or worship. So that to believe such doctrines, or to obey such commandments out of conscience; and the requiring of an implicit faith, and an absolute and blind obedience, is to destroy liberty of conscience and reason also."

According to some, the opening words of this section ought to arrest my progress; or rather, they ought to have deterred me from entering on my audacious enterprise. It cannot be, it is strongly alleged, that a book whose first utterance on the subject in dispute is the great and sacred principle, that "God alone is Lord of the conscience," can

give any countenance to persecution. "The mind of man never produced a truer or nobler proposition than the following:—'God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men which are in anything contrary to His word, or beside it, in matters of faith or worship.' The man who can comprehend, entertain, and act upon that principle, can never arrogate an overbearing and intolerant authority over the conscience of his fellow-man, much less wield against him the weapons of remorseless persecution."*

Quite true; but the noblest principles are not always "comprehended, entertained, and acted upon" by those who propound them, and even embody them in Church standards. Popery itself has not formally denied the noble principle here laid down. It admits that the lordship of the conscience belongs to God alone; but what avails this admission in its system?† It teaches, at the same time, that God has given the lordship of the conscience to Christ, and that Christ has deputed it to His vicar the Pope; and the world knows what use the Pope has made of it. I have said something of the use made of the Papal jurisdiction when it was transferred to the crown in England, and also of the use made of it when it was divided between the Kirk and the King in Scotland. I have said enough, I believe, to show how needful it is to look narrowly into the teaching of the Confession on liberty of conscience. One thing is certain: all the panegyrists of its teaching have not "com-

* HETHERINGTON'S *Introductory Essay to Shaw's Exposition of the Confession of Faith*, xxii.

† "The real question raised by Romanists, and those in general who have claimed the authority of binding and loosing the consciences of their fellow-men, relates to the standard which God has given of His will, and the means He has chosen to enforce it."—*A Commentary on the Confession of Faith*. By the Rev. A. A. HODGE, D.D.

prehended" the first sentence of it, in the second section of this chapter! One curiously interesting proof of this, is the way in which they have been in the habit of quoting it. They usually stop with "God alone is Lord of the conscience." When they go farther, it is to stop in the middle of the next clause, where there is not so much as a comma to breathe at. "God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men." Very rarely indeed do they give the sentence in its integrity. "God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men which are in any thing contrary to His word, or beside it, in matters of faith or worship."

If God alone is Lord of the conscience, it must belong to Him alone to rule it. Conscience can have no law but His will. Religion is the domain of conscience; and His sole lordship over the conscience must be exclusive of all other authority in that domain. These are axioms. Their opposites involve a contradiction. They deny the great principle which the sentence begins with, that "God alone is Lord of the conscience." But, though axioms, the Westminster Divines have not only not allowed them, but they have implicitly disallowed them. "God," they say, "hath left the conscience free from the doctrines and commandments of men," but only in as far as these "are contrary to His word, or beside it, in matters of faith or worship." This leaves a wide door quite open. An obvious question occurs here: Who is to judge what "doctrines and commandments of men are," or are not, "contrary to His word, or beside it, in matters of faith or worship?" Is it meant that every man's conscience is "left free" by God to do this for himself, without his being liable to challenge or punishment from his fellow-man? The Divines did not mean this.

According to them, the Kirk and the King had a high God-given function to perform, binding "all within the realm," "in matters of faith and worship," as they had, prior to the Assembly's day, "by manifold Acts of Parliament, been bound to profess the true religion established, and to recant all repugnant doctrines and errors." The Kirk and the King were to judge for the lieges what they ought to believe, and how they were to worship; to bind their judgment on the conscience of the lieges; to deal with the conscience which dissented from their judgment as an "erring conscience;" to command it to forsake its error; and, in case of refusal, to visit with all the pains which it was competent to the commanding powers to inflict. It was to leave room for all this, that the Assembly cautiously shunned saying, without qualification, that God "hath left the conscience free from the doctrines and commandments of men."

So I interpret this famous sentence of the Confession; and if it can be shown that I am wrong, I shall thankfully receive correction. I know that the sentence has not been excepted to by those who condemn with me what follows in this chapter. Our late Dr. Dick, after quoting the sentence with approval, says: "It may be questioned, whether the Confession is consistent with itself, when it ascribes to the civil magistrate a power 'to call to account, and proceed against those who publish opinions contrary to the known principles of Christianity' (chap. xx., sec. 4), and 'to take order that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed' (chap. xxiii., sec. 3). These passages would require an ample commentary; but, in the close of this lecture, I have only time to remark, that a power is given to the magistrate to restrain and punish not only crimes against

the peace of society, but opinions contrary to the truth, that is, to what he considers to be the truth. What then can be plainer, than that he is constituted Lord of the consciences of his subjects? It belongs to him to tell them what they should believe and profess. If it be said that he is to exercise this power according to the Word of God, I answer, that it is according to the Word interpreted by himself and his advisers; and consequently, their dogmas are the rule of our faith. If it be said again, that he does not interfere with conscience itself, but with our profession and practice, I answer, in the first place, that he cannot interfere directly with conscience itself, which, being an internal principle, is beyond his reach, and we owe him no thanks for not doing what is impossible; and, in the second place, that to interfere with our profession is to interfere with our conscience, because conscience calls us to avow what we believe to be true, and to act conformably to it; and this he will not allow. Such is a specimen of the shuffling methods by which it has been attempted to defend the Confession of Faith against the charge of contradicting itself, and taking away with the one hand what it has given with the other.”*

The Confession “contradicts itself;” but if I have rightly interpreted it, the self-contradiction is not exactly where this criticism places it. It is in the very definition which it gives of the doctrine of liberty of conscience. It is here that it “takes away with the one hand what it has given with the other.” It first says that “God alone is Lord of the conscience,” and then it unsays it in the same breath; leaving a door open for powers on earth to judge for conscience, and to enforce on it their edicts. Were I to admit this definition, I should see a melancholy consistency between it and all that follows both in this chapter and in chapter xxiii.

* *Lectures on Theology*, iii. 470, 471.

I have, besides, the countenance of good authorities in my interpretation. Dr. Shaw, in expounding the section under consideration, says: "From the principles here laid down, some have inferred that civil authority is wholly inapplicable to matters of religion. Nothing, however, can be further from the design of the Confession than to countenance this notion. That there is a lawful exercise of civil power about religious matters the compilers of the Confession clearly teach, in the fourth section of this chapter, and also in chapter xxiii. And as it was not their design, in this section, to condemn this exercise of civil authority, so no such doctrine can be justly inferred from the words." He then quotes the late Dr. M'Crie, expressly pleading for "human authority" in the domain of conscience, and strangely putting the magistrate's authority in this domain in the same category with that of ministers, and parents, and masters! "For, if they (the compilers of the Confession) condemn all exercise of civil authority," to use the language of Dr. M'Crie, "they condemn also all exercise of every other species of human authority about these things, whether ecclesiastical, parental, &c. Is it not equally true that God hath left the conscience 'free from the doctrines and commandments of men which are in any thing contrary to His Word, or beside it, in matters of faith and worship,' whether these be the doctrines and commandments of ministers or magistrates, of masters or parents? . . . No such thing is taught, as that men's consciences are set free from obedience to any human authority, when acting in entire consistency with the Word of God, and enjoining nothing beside it, or beyond its own proper limits; which authority of any kind may certainly do."*

What is more, and better to my purpose, the compilers of

* SHAW'S *Exposition of the Confession*, 207, 208. M'CRIE'S *Statement*, 100, 101.

the Confession so explained themselves. To recur to a single proof: according to them, God had not "left the conscience" of Independents "free" to profess and practise their Independency. The Assembly being judges—and they desired and expected the magistrate to concur with them—Independency was "contrary to the Word;" and, therefore, the adherents of it could not be permitted to set up separate congregations, and to worship in them. Their consciences were "erring consciences;" and to give them the indulgence they craved, would have been contrary to the Solemn League and Covenant, which obliged all who swore it to "endeavour to the utmost a uniformity." Presbyterianism, the Assembly still being judges, was alone accordant with the Word; and God had not left a single conscience in the three kingdoms "free" to dissent from it! The "pretended liberty of conscience" which the Independents claimed was libertinism, was licentiousness; and the toleration, under the shadow of which they claimed it, and are now enjoying it, no words could be found to paint in colours sufficiently odious and horrible! "It was the Trojan horse whose bowels were full of warlike sectaries, and weapons of destruction. Like the fabled box of Pandora, it had only to be opened to let loose upon the world all the ills which ever afflicted our race."* With this historic fact before him, no one need be at a loss to understand why the Westminster Divines did not simply say, and could not consistently say, that God "hath left the conscience free from the doctrines and commandments of men;" neither need he be at a loss to understand why, having said that "God alone is Lord of the conscience," they took care immediately to open a door for his "vicegerent," the magistrate, to come in, and to exercise that lordship.

* ORME'S *Memoirs of Dr. Owen*, 43.

The third section of this chapter guards Christian liberty against abuse by the licentious, and is altogether unexceptionable. "They who, upon pretence of Christian liberty, do practise any sin, or cherish any lust, do thereby destroy the end of Christian liberty; which is, that, being delivered out of the hands of our enemies, we might serve the Lord without fear, in holiness and righteousness before Him, all the days of our life."

The first part of the fourth section guards Christian liberty against abuse by those who "despise government," and is also quite unexceptionable. "And because the powers which God hath ordained, and the liberty which Christ hath purchased, are not intended by God to destroy, but mutually to uphold and preserve one another; they who, upon pretence of Christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or ecclesiastical, resist the ordinance of God." Such persons are rebels against "the powers which God hath ordained," and enemies of all society, civil and religious; and in being restrained and punished, they only receive the due reward of their deeds. But if the doctrine of Christian liberty is liable to abuse, so is the doctrine of submission to Church and State authorities; and it has been so abused as to be one of the world's direst curses.

It is of some moment to remark, that "lawful power" is lawful only in its own sphere, and that it is then only that any "exercise of it" is lawful. When a temporal ruler enters the spiritual province, or a spiritual ruler enters the temporal province, he is an intruder: he is not a "lawful power" in the province into which he has intruded; no "exercise" of his power there is "lawful;" and he who "opposes the exercise," instead of "resisting the ordinance of God," only refuses to surrender liberty to tyranny. These again are

axioms. Did the Westminster Assembly “comprehend, entertain, and act on,” the principles involved in these axioms? The latter part of this fourth section answers. “And for their publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature, or to the known principles of Christianity, whether concerning faith, worship, or conversation; or to the power of godliness; or such erroneous opinions or practices, as either in their own nature, or in the manner of publishing or maintaining them, are destructive to the external peace and order which Christ hath established in the Church; they may lawfully be called to account, and proceeded against by the censures of the Church, and by the power of the civil magistrate.”

Here is a province made common to the Church and the magistrate. It is the province lying within the boundaries of “the light of nature,” and “Christianity.” In other words, it is the province of religion, both natural and revealed; for it is the “light of nature” in religion that is here intended. The magistrate, as well as the Church, is brought into this province, to “call to account, and proceed against” delinquents “by his power,” *i.e.*, to punish them. If so, as has been repeatedly said already, he must judge them, and find them worthy of punishment, unless he is to be the mere blind tool of the Church. In this joint-stock business, he must share with the Church in both the judging and the punitive part of the process. The Church is to proceed against the culprits by her censures, and the magistrate by his power, which is “the sword.” The sins to be taken cognisance of are, confessedly, proper subjects for Church censures; but are they proper subjects for the application of the magistrate’s sword? Is his power a “lawful power” in this province? and is his punishment of the sinners a “lawful exercise” of his power? The Confession answers in the affirmative. It says that

the magistrate may lawfully punish for religious offences; which is just saying, that he may lawfully persecute.

This last sentence of Chapter xx. is not a criminal statute; though it propounds the principles on which all penal statutes in religion are based. But let it be looked at for a moment as if it were a criminal statute. Who is not at once forcibly struck with its vagueness, and with the latitude of its sweep? Verily, it gives the persecutor ample scope for the exercise of his vocation! I question whether our whole criminal code contains a statute to match it in this respect. If people would not be caught in the meshes of it, they behoved to walk very circumspectly. First, they might offend by "their publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature." Who charged for breach of such a statute before a judge and jury willing to convict, could hope to escape conviction? Again, they might offend by "their publishing of such opinions, or maintaining of such practices, as are contrary to the known principles of Christianity, whether concerning faith, worship, or conversation." Who charged for breach of such a statute before a judge and jury willing to convict, could hope to escape conviction? Again, they might offend by "their publishing of such opinions, or maintaining of such practices, as are contrary to the power of godliness." Who charged for breach of such a statute before a judge and jury willing to convict, could hope to escape conviction? Yet again, they might offend by "such erroneous opinions or practices, as either in their own nature, or in the manner of publishing or maintaining them, are destructive to the external peace and order which Christ hath established in the Church." Who charged for breach of such a statute before a judge and jury willing to convict, could hope to escape conviction?

Arm persecutors with such a statute : they would in truth have the making of the law, as well as the administration of it, in their own hands : they would make it any thing that suited their purpose ; and no man whom they marked for their victim would be safe.

But this sentence is not in the form of a criminal statute. It does not say what the magistrate ought to do with the offenders in religion whom it describes, but what he "may" do with them. It has therefore been contended, that there is no ground here for charging the Confession with favouring persecution. It does not, it has been said, bind the magistrate to punish for any one of the things it names ; even if it were to be granted that, in punishing for these, he would persecute. This weak argument, which has not been always pleaded by weak men only, is easily disposed of. It proceeds on a misconception of the design, and therefore of the structure, of this part of the Confession. The Confession does not here prescribe the magistrate's duty as regards religious offenders. It is guarding Christian liberty, and liberty of conscience, against abuse ; and it says what the magistrate "may" do to such offenders, without violating liberty. The "may" was the only proper word for this purpose : accordingly, it is used here of the Church as well as of the magistrate : the Church "may" censure, and the magistrate "may" punish ; that is, they may both do this, without infringing on Christian liberty, and liberty of conscience. The silliness of resting on the "may," in defence of the Confession here, must be apparent to the dullest understanding, if it will only realise that the "may" is used of the Church as well as of the magistrate. Suppose the charge against the Confession was, that it here teaches undue severity of Church censure. What would be thought of the champion who should answer, "Base and baseless libel : so

far from countenancing undue severity on the scandalous transgressors named, the Confession does not say that they must, but only that they 'may' be processed by the Church, and censured!" My charge is, that the Confession here sanctions magisterial persecution; and silly to senselessness is the reply, "No: so far from that, the Confession does not say that the magistrate must punish the offenders named, but only that he 'may' do so!"

These things clear the way for settling "the precise meaning of the words the framers of the Confession employed" in this part of it; and this may now be done very summarily, and yet very thoroughly.

Without violating Christian liberty, and liberty of conscience, the magistrate may punish those who "publish opinions, or maintain practices, contrary to the light of nature." The Divines meant, for example, that he may punish those who deny the being, or the perfections of God. Accordingly, among the heresies which the Long Parliament, in 1648, after enjoying for five years the guidance of the Westminster Assembly, its "grand council in all matters of religion," made capital crimes, exposing to "the pains of death, as in case of felony, without benefit of clergy," were, "That there is no God;" "That God is not omnipotent, omniscient, almighty, eternal, and perfectly holy."

Without violating Christian liberty, and liberty of conscience, the magistrate may punish those who "publish opinions, or maintain practices, contrary to the known principles of Christianity, concerning faith." The Divines meant, for example, that he may punish those who deny the Trinity, the Incarnation, the Atonement, and the inspired authority of the Bible. Accordingly, among the heresies which the above-named Parliament made capital crimes, were, "That the Father is not God, that the Son is not God, that the

Holy Ghost is not God, or that these three are not one eternal God ; or, that Christ is not God equal with the Father ;” “the denial of the manhood of Christ ;” “the denying that the death of Christ is meritorious on the behalf of believers ;” “the denying that the Holy Scriptures of the Old and New Testaments are the Word of God.”

Without violating Christian liberty, and liberty of conscience, the magistrate may punish those who “publish opinions, or maintain practices, contrary to the known principles of Christianity, concerning worship.” The Divines meant, for example, that he may punish those differing from them in their views and practices as to Sabbath sanctification, and the administration of the sacraments. Accordingly, among the errors which the above-named Parliament made crimes, to be visited with imprisonment till the erring should recant, and find sureties that they would never relapse, were, “That the observation of the Lord’s day, as enjoined by the ordinances and laws of this realm, is not according, or is contrary to the Word of God ;” “that the baptism of infants is unlawful and void ; and that such persons ought to be baptised again.”

Without violating Christian liberty, or liberty of conscience, the magistrate may punish those who “publish opinions, or maintain practices, contrary to the known principles of Christianity, concerning conversation.” The Divines meant, for example, that he may punish Antinomians. Accordingly, among the errors which the above-named Parliament made crimes to be visited with imprisonment, was, “That the moral law contained in the ten commandments is no rule of the Christian life.”

Without violating Christian liberty, and liberty of conscience, the magistrate may punish those who are guilty of “such erroneous principles or practices, as either in their

own nature, or in the manner of publishing, or maintaining them, are destructive to the external peace and order which Christ hath established in the Church." The Divines meant, for example, that he may punish Independents. Accordingly, among the errors which the above-named Parliament made crimes to be visited with imprisonment, was, "That the Church-government by presbyteries is anti-Christian or unlawful;" and it has abundantly appeared how the Divines voted in their Assembly, and urged on both Houses of Parliament, that the Independent Schismatics should not be tolerated.*

Has any reader a shade of doubt, that I have now given the true exegesis of this part of the Confession? If he has, there is only one thing more which I can think of doing, for the purpose of satisfying him. It is to refer him to the Assembly's "Scripture-Proofs" of the doctrine here taught, and earnestly to commend them to his study.† I shall for the present forbear the tedious and, as it appears to me, the needless labour of commenting on these proofs, testing their relevancy, and weighing their force; and shall content myself with two remarks regarding them. The first is, that it is on "religious opinions and practices" exclusively that these proofs bear. If they authorise and require the civil magistrate to punish evil-doers, it is evil-doers in religion, and them only. Most of the texts refer to them alone; and if some of them have a wider scope, that wider scope was not here taken into account by those who quoted them. If our gracious Sovereign is not to wrest and abuse these "Scrip-

* The whole Act of 1648, the terms of which I have quoted above, may be seen in NEAL, iii. 419-421.

† The Scripture-Proofs are—Deut. xiii. 6-12; Rom. xiii. 3, 4; with 2 John 10, 11; Ezra vii. 23, 25-28; Rev. xvii. 12, 16, 17; Neh. xiii. 15, 17, 21, 22, 25, 30; 2 Kings xxiii. 5, 6, 9, 20, 21; 2 Chron. xxxiv. 33; 2 Chron. xv. 12, 13, 16; Dan. iii. 29; 1 Tim. ii. 2; Isa. xlix. 23; Zech. xiii. 2, 3.

ture-Proofs;" if she is to make the use of them which the Westminster Divines have cited them to sanction and enjoin on her, it is on religious transgressors that she must "execute wrath." If, for example, she is, like good Josiah, to "slay" men, and to "burn their bones on altars," the victims must be, not political heresiarchs, such as our pronounced republicans, or our practical rebels who refuse to pay tribute, but "Baal's priests;" and they must suffer, because they are "Baal's priests:" because they are idolaters, serving other gods, and enticing the people to serve them. If she is, like good Asa, to make a covenant that she shall weed the community of the openly unholy and profane, the covenant must be, that "whosoever shall not serve the Lord God of Israel shall be put to death, whether small or great, whether man or woman." If she is, like Artaxerxes, to "execute judgment speedily" upon any, "whether it be unto death, or to banishment, or to confiscation of goods, or to imprisonment;" it is on those that "will not obey the law of Ezra's God." If she is, like Nebuchadnezzar, to "cut people in pieces, and to make their houses a dunghill;" it is on those who "speak anything amiss against the God of Shadrach, Meshach, and Abednego," that her vengeance must fall. To point to another instance: if any Christian father or mother is to fulfil Zechariah's prophecy (chap. xiii.), in the sense in which those who quoted it understood it; if they are to say to a son, "Thou shalt not live;" if "they who begat him are to thrust him through," it must be, not for the son's general perverseness and rebelliousness, but because he is a "false prophet," because "he speaketh lies in the name of the Lord."

My second remark is, that if these "Scripture-Proofs" prove any thing, it is that "erroneous opinions and practices" in religion fall under the cognisance of the magistrate,

and ought to be punished by him. He neglects the duty of his office; he is not true to Him to whom he owes his throne, and to the people for whose sake he has been raised to it, if he connives at such opinions and practices, and suffers them to pass with impunity: just as the Church would neglect her duty, and would be faithless to her Lord and her members, if she did not visit such opinions and practices with her censures.

Such is the doctrine of the concluding sentence of Chapter xx. of the Confession. Such is my interpretation of the sentence; and I feel sure that it is the right one. It must be so; for the terms of it admit of no other. It must be so; for it is the Assembly's own interpretation of it, found in authentic records of its own opinions and proceedings, and in Parliamentary Acts, passed according to its advice.

All the religious delinquents, described in the sentence, the magistrate may punish, without infringing Christian liberty, and liberty of conscience! He may punish them, therefore, without persecuting them! Is this believeable, amidst the light of the latter half of the nineteenth century? Does any body now really believe it? If he does, and if nothing else will convert him from the error of his way, let him set about getting these principles acted on. Let him display them in all their charms on the platform and through the press; that he may commend them to public acceptance. Let him petition the legislature, and memorialise the crown, that the more heinous "adversaries of true religion," too numerous among us, alas!—that our atheists, our pantheists, our infidels, our unitarians, our secularists shall be put to death; and that our minor errorists, our Arminians,* our Independents, our Baptists shall be committed to durance vile, till they abjure.

* I instance Arminians; the Act of 1648 numbering among the crimes to be visited with imprisonment the error, "That man by nature hath freewill to turn to God."

Let him make the experiment; and he may bless himself, if he is not extinguished as a firebrand, or confined as a lunatic.

I have said that the words of this sentence of the Confession admit of no other interpretation than that which I have given them. If any other feasible interpretation could be put upon them, and if the Confession could be vindicated from the charge of teaching persecuting principles in religion, it will, I believe, be universally admitted, that the late Dr. M'Crie was the man to do the exploit. Few in his day approached him in mental vigour and acuteness, in erudition—specially on this class of subjects, and in skill of fence. He did attempt the exploit. His defence has been long before the public, and has been much set by, and often drawn upon; and what remains of this chapter I shall devote to an examination of it.

Dr. M'Crie had the true idea of persecution, and he states it fairly. He allows, that if this Chapter xx. of the Confession “armed the civil magistrate with power to punish good and peaceable subjects purely on the ground of their religious opinions and practices,” it would be liable to the charge of being “favourable to persecution for conscience’ sake.” After some expository remarks on previous sections of the chapter, and quoting the fourth section as “the passage chiefly referred to” by assailants, he proceeds thus with his defence; and I shall quote the whole of it; though the extract will be somewhat long, it will thus probably be read by not a few who have not ready access to the Doctor’s Works.

“Now, this does not say that all who publish such opinions and maintain such practices as are mentioned, may be proceeded against, or punished (if the substitution of this word shall be insisted on) by the civil magistrate; nor does it say,

that any good and peaceable subject shall be made liable to this process simply on the ground of religious opinions published and practices maintained by him. For, in the *first* place, persons of a particular character are spoken of in this paragraph, and these are very different from good and peaceable subjects. They are described in the former sentence as 'they who *oppose* lawful power or the lawful exercise of it,' and '*resist* the ordinance of God.' The same persons are spoken of in the sentence under consideration, as appears from the copulative and relative. It is not said, '*any one* for publishing,' &c., but 'they who *oppose* any lawful power, &c., for *their* publishing,' &c. In the *second* place, this sentence specifies some of the ways in which these persons may become chargeable with the opposition mentioned, and consequently '*may* be called to account;' but it does not assert that they must or ought to be prosecuted for every avowed opinion or practice of the kind referred to. All that it necessarily implies is, that they may be found opposing lawful powers, or the lawful exercise of them in the things specified, and that they are not entitled to plead a general irresponsibility in matters of that kind: notwithstanding such a plea, 'they may be called to account and proceeded against.' For, be it observed, it is not the design of this paragraph to state the objects of church censure or civil prosecution: its proper and professed object is to interpose a check on the abuse of liberty of conscience as operating to the prejudice of just and lawful authority. It is not sin *as sin*, but as *scandal*, or injurious to the spiritual interests of Christians, that is the proper object of church censure; and it is not for sins as such, but for *crimes*, that persons become liable to punishment by magistrates. The compilers of the Confession were quite aware of these distinctions, which were then common. Some think that if the process

of the magistrate had been limited to offences 'contrary to the light of nature,' it would have been perfectly justifiable; but the truth is, that it would have been so only on the interpretation now given. To render an action the proper object of magistratical punishment, it is not enough that it be contrary to the law of God, whether natural or revealed; it must, in one way or another, strike against the public good of society. He who provides not for his own, especially those of his own house, sins against the light of nature, as also does he who is a lover of pleasures more than of God; but there are few who will plead that magistrates are bound to proceed against and punish every idler and belly-god. On the other hand, there are opinions and practices 'contrary to the known principles of Christianity,' or grafted upon them, which either in their own nature, or from the circumstances with which they may be clothed, may prove so injurious to the welfare of society in general, or of particular nations, or of their just proceedings, or of lawful institutions established in them, as to subject their publishers and maintainers to warrantable coercion and punishment. As one point to which these may relate, I may mention the external observance and sanctification of the Lord's Day, which can be known only from 'the principles of Christianity,' and is connected with all the particulars specified by the Confession—'faith, worship, conversation, the power of godliness, and the external order and peace of the church.' That many other instances of a similar description can be produced, will be denied by no sober-thinking person who is well acquainted with Popish tenets and practices, and with those which prevailed among the English sectaries during the sitting of the Westminster Assembly; and he who does not deny this, cannot be entitled, I should think, upon any principles of fair con-

struction, to fix the stigma of persecution on the passage in question."*

Such is the most famous defence of the Confession against the charge of teaching persecuting principles that has ever been offered. My answer to it I must preface by a remark which will, I daresay, astound some. THE DEFENCE EVADES MY CHARGE: IT DOES NOT EVEN PROFESS TO DEFEND THE CONFESSION AGAINST IT. My charge is, The Confession teaches that the magistrate may punish good and peaceable subjects on grounds of religion. Dr. M'Crie's answer is, The Confession does not teach that the magistrate may punish good and peaceable subjects on grounds of religion "SIMPLY." Does this meet my charge? Is it any defence of the Confession against it? Certainly not. Dr. M'Crie was not in a condition to set his face to the task which he undertook, unless he was able to say, The Confession teaches that the magistrate may not punish good and peaceable subjects on grounds of religion AT ALL. He has not said this: in place of it he could only say, The Confession teaches that the magistrate may not punish good and peaceable subjects on grounds of religion SIMPLY.

Dr. M'Crie thus admits, whether willingly or not, that the teaching of the Confession is to a certain extent persecuting. He admits that the charge against which he buckled on his armour to defend the Confession is true, to a certain extent. The extent he leaves undetermined, which many, I am sure, will join with me in regretting. Does the magistrate crop both the ears of some religious errorist? If so, does the delinquent lose the one ear for religious error SIMPLY, and the other for something else? Or does the magistrate prefer whipping, forty stripes save one? If so, does the culprit

* *Works*, iv. *Appendix to Discourses on the Unity of the Church.*

suffer nineteen and a-half of these stripes for religious error SIMPLY, and the other nineteen and a-half for something else? Or does the magistrate prefer a capital sentence on the offender? If so, does the victim yield one-half of his life for religious error SIMPLY, and the other half for something else? One is legitimately curious to know how the Doctor would have defined and distributed the quantities of crime and of punishment couched in his mysterious SIMPLY.

What may the civil magistrate do, and what may he not do, without invading Christian liberty, and liberty of conscience? The Confession of Faith decides this question in the last sentence of its Chapter xx. Dr. M'Crie explains its decision in the extract which I have now given; and if the explanation could be accepted, it would be a triumphant defence of the Confession. What does the Confession's decision, as expounded by the Doctor, come to? If I apprehend him aright, it comes to this: the magistrate may not punish good and peaceable subjects for their religious opinions and practices, be these what they may; but he may punish bad and turbulent subjects, whatever "pretence of Christian liberty" they may plead for their badness and turbulence. To put it in other and fewer words: he may punish those who are enemies of the peace and order of society, not as bad Christians, but as bad subjects.

Such is the doctrine of the Confession on this head, Dr. M'Crie being its interpreter. Excellent doctrine! What unspeakable sin and woe would have been prevented in our country and in our world, had this doctrine been understood, and received, and acted on! But is this really the doctrine of the Confession? Is this the "precise meaning the framers of it gave to the words which they employed?" If it is,

I must acknowledge that four things very much surprise me.

If this is what the framers of the Confession meant, is it not a marvellous thing that they have not said it? They were richly endowed with the gift of writing, as well as with that of thinking. How did the gift fail them so signally when they came to this part of their work? If this was their doctrine, it would have been very easy so to put it that he might run who read it. It would have been very easy to say, that the magistrate may not punish good and peaceable subjects for their religious opinions and practices; and that he may punish bad subjects, whatever pretences of liberty or conscience they may set up.

If this is what the framers of the Confession meant, is it not another marvellous thing that, instead of saying it, they have so blundered as to say what looks so very like the opposite of it? They have said that the magistrate may punish men for "publishing" certain "opinions," or "maintaining" certain "practices." What are the punishable "opinions" on? Not on temporal things: not on theories of civil government; not on the authority belonging to civil rulers, or on the obedience due to them from subjects; not on questions of political equity, or political economy. No: the chief of them are "opinions" "contrary to the known principles of Christianity, concerning faith, worship, and conversation." And the punishable "practices" are of the same kin with the "opinions." They are "practices contrary," not to the peace and good order of civil society, but "to the power of godliness; and destructive to the external peace and order which Christ hath established in the church." It is passing strange, surely, that, when the Westminster Divines meant, as their interpreter says that they did, to portray bad subjects, they should have made

bad Christians sit for the portrait! Let a constable be furnished with a copy of this portrait, and sent out to "search and apprehend" delinquents, and bring them in for punishment; and if it is not bad religionists alone that he looks after and returns with, he may thank the sheriff if he is not dismissed for his stupidity.

If this is what the framers of the Confession meant, is it not a third marvellous thing that their own acts were so directly in the teeth of their doctrine? Paul Best was, as far as is known, a good and peaceable subject. For ought that history records of him, it was "purely" for his Arianism that the Westminster Assembly moved the Parliament to pass a bill to hang him. The Independents were as good and peaceable subjects as the Presbyterians, and as good Christians to boot. It was "purely" for their independency that the Assembly was so resolute and zealous that they should be restrained and suppressed. And, surely, it is passing strange again, that the doctrine of the Divines should brand their own deeds with "the stigma of persecution!" which it does incontrovertibly, if their doctrine is, that it is persecution for the magistrate "to punish good and peaceable subjects purely on the ground of their religious opinions and practices."

And if this is what the framers of the Confession meant, is it not yet another marvellous thing, that their doctrine here has been such a bone of contention and such a rock of division in the Presbyterian world? Very irrational, I admit, have many ecclesiastical strifes and disruptions been. But far the most irrational of them all have been the strifes that have raged around the teaching of the Confession on this head, and the separations in which they have issued, if that teaching is what this interpreter makes it to be. Those strifes, however, were not quite so absurd, neither were those divi-

sions quite so groundless, as some would make them. They involved great principles, to the maintenance of which our country already owes much, and the triumph of which is now at hand.

Good and peaceable subjects the magistrates may not punish for their religion, without persecuting them ; and bad subjects he may punish, whatever pretences of religion they may set up, without infringing Christian liberty and liberty of conscience. Excellent doctrine ! I repeat, though it is not in the Confession ; and the process by which Dr. M'Crie tries to extract it from the Confession shows most satisfactorily that it is not there. The process is curious enough.

The offenders whom the Confession makes punishable by the magistrate are, I grant, "they who oppose any lawful power, or the lawful exercise of it," and so "resist the ordinance of God ;" and that these are justly punishable is universally allowed. I also grant it is the same persons who are spoken of when the Confession proceeds to "specify some of the ways in which these persons become chargeable with the opposition mentioned." But what comes of this to serve Dr. M'Crie's purpose ? Absolutely nothing. It does not touch the question between him and me. That question is, Do the persons offending in "the ways" specified, "oppose lawful power, or the lawful exercise of it ?" The magistrate's power is in itself confessedly "lawful : " is it "a lawful exercise of it," then, which the persons described "oppose ?" Among "the known principles of Christianity concerning faith," for example, is the Trinity. Is it a "lawful exercise" of the magistrate's power to command the lieges to believe in the Trinity, and, consequently to punish the Arian or the Unitarian for disbelieving it ? The same question applies in the case of all offenders in the other "ways" which the Confession specifies, ranging over

“worship, conversation, the power of godliness, and the external peace and order which Christ hath established in the Church.” Is it a “lawful exercise” of the magistrate’s power to give law to his subjects in these matters, and, consequently, to punish them if they disobey him? This is the question which Dr. M’Crie had to deal with if he was to vindicate the Confession from the charge of favouring persecution. And how has he dealt with it?” By giving it the go-by! He has not looked it in the face; he has not raised it; and the result is that the Confession is as exposed to assailants as it was before one word of his boasted defence was written.

In place of facing this question, the Doctor deals in some strong and bold assertions. He affirms, for example, that the Confession “does not say that all who publish such opinions and maintain such practices as are mentioned may be punished by the civil magistrate.” Does it not? Which of the “all” does it except and provide for their being scatheless? It first says of these persons that they “oppose lawful power, or the lawful exercise of it;” and then it says of them, that “for publishing such opinions and maintaining such practices as are mentioned,” “they may lawfully be called to account, and proceeded against by the power of the civil magistrate.” And yet, according to the interpreter, this is not saying that they may all be punished by the magistrate! The interpretation is a flat denial of the Confession, and it lands the interpreter in a flat self-contradiction; for he says, and quite justly, that the Confession “specifies” the publishing of such opinions and the maintaining of such practices as “some of the ways” in which the persons in question may “oppose lawful power, or the lawful exercise of it,” “and consequently *may* be called to account.” And it will be observed that he *italicises* the “*may!*” Even Dr. M’Crie

felt the siege so strait that he betrayed sympathy with the weak argument attempted to be built on the "may," and which has already been disposed of.

Again, he affirms that the Confession "does not say that any good and peaceable subject shall be made liable to this process (punishment by the magistrate) simply on the ground of religious opinions published and practices maintained by him." Does it not? and if not, for what else does it say that he is punishable? If it is for something else, that something is certainly not in the Confession—it is added to it by the interpreter; and the interpretation imposed by the addition just amounts again to a denial of the Confession, which says,—not, indeed, in the words he uses, but in substance,—exactly what he avers that it does not say. Dr. M'Crie assumes, and I cordially agree with him, that men may be great errorists in religion and yet good and peaceable subjects. But the compilers of the Confession did not see this. Bad religionists and bad subjects they identified. The Confession identifies them here. It is expressly "on the ground of religious opinions published and practices maintained" by them that it here makes men punishable by the magistrate. It is on this ground "simply;" for there is not the remotest allusion to any other. It "specifies" these obnoxious opinions and practices as the reason that they are punishable; and to give up this reason, and to interpolate a totally different one, is to correct the Westminster Divines. No great compliment to them, surely; and no great kindness! Such a defender deserts them at the very point where they most need his help; and surrenders the citadel into the hands of the enemy.

But "it is not sin as sin, but *as scandal*, or injurious to the spiritual interests of Christians, that is the proper object of church censure; and it is not for sins as such, but for *crimes*,

that persons become liable to punishment by the magistrate. The compilers of the Confession were quite aware of this distinction, which was then common." Be it so : this, again, avails the Doctor absolutely nothing. The charge against the Confession is, that it teaches that the magistrate may punish a man on the ground of his religious opinions and practices. He may, says Dr. M'Crie, if he punishes them, not as *sins*, but as *crimes*. The sins which the Church may censure as *scandals*, "or injurious to the spiritual interests of Christians," the magistrate may punish as *crimes*, or as "striking against the public good of society." How this mends the matter is a problem which the Doctor, unfortunately, neglected to explain. Persecuting magistrates have done exactly what the Confession, according to him, would have magistrates to do. When they punished people for their religion, they of course called their religion *crime*; the very idea of which is, as one has defined it, "a social offence," a thing "which does injury to others, either individually or collectively." The two Charleses proclaimed our forefathers "rebels," and then proceeded to exterminate them, not for their religion, forsooth, not for their Presbyterianism, but for their rebellion. They distinguished quite orthodoxly between *sin* and *crime*, and legislated accordingly; but the "distinction" had little consolation in it to the sufferers, and did not at all alter the character of their sufferings. And the same "distinction" has not a whit more virtue in it, when it comes from the mouths or the pens of the compilers of the Confession.

"Busk him," said John Davidson, of one of James' measures for Prelatic innovation, "busk him as bonnilie as ye can, and bring him in as fairly as ye will, we see him well enough—we see the horns of his mitre." So say I of persecution. Busk it as you may; call a man's religion

crime, and punish him for it, and we see the teeth of the persecutor: the man is persecuted for his religion none the less, because by a fiction of law you have called it *crime*. The truth is, and it is vain to attempt to disguise it, that in making the magistrate the keeper and the defender of both tables of God's law, our fathers laid the foundation for turning transgressions of these tables into State crimes, and that on this foundation they reared their whole Church and State fabric. Errors in religion were, in their view, crimes against society; and the worse the errors, the greater the crimes. Their doctrine was, that the civil magistrate is "bound, by virtue of his office, to inflict upon men temporal punishments for being schismatics or heretics in religion, as well as for being thieves, murderers, or other enemies to the well-being of society." Against all defenders of the Confession who deny this, or who would disguise it, I produce the Compilers of the Book themselves, and only ask that they be heard.

I produce them as a body, speaking for themselves in the paragraph of the Confession now in discussion. What do they do here? The same specimen sins, which may be censured by the Church as *scandals*, they give as the specimen sins, which may be punished by the magistrate as *crimes*. And in a subsequent Chapter I shall produce individuals from among them strenuously maintaining the same doctrine. The notion, indeed, that the religion of the subjects falls under the cognizance of temporal rulers, only as it may affect the peace and order of civil society, they were unanimous in reprobating as heinously impious.

That there are opinions and practices, for which the "pretence" of religion is set up, but which are so hurtful to society, as to "subject their publishers and maintainers to

warrantable coercion and punishment" by the magistrate, is readily granted. The Mormons, for example, make polygamy a part of their religion; and the civil power in the United States is now most commendably applying itself to put down the nuisance.* The "pretence" pleaded for such nuisances, instead of shielding them, ought rather to draw down vengeance on them. But let no one be so simple as to think that it is such nuisances only that the Confession marks out for "coercion and punishment." Dr. M'Crie's own "instances" belong to a different category altogether. As to "the external observance and sanctification of the Lord's day," I hope he would not have pleaded for more, than that they who disturb their neighbours in their resting on that day ought to be "proceeded against." As to "Popish tenets and practices," they were proscribed wholesale, as the Confession required they should be : a persecution which the tardy repeal of the Penal Laws against Roman Catholics brought to an end. As to "the tenets and practices of the English Sectaries during the sitting of the Westminster Assembly," they need not be minutely inquired into, or dwelt on. Enough it is to say, the chief of those Sectaries were the Independents; and the fact that the Westminster Assembly moved heaven and earth against the toleration of the Independent sect, is a standing exponent of the Confession on "Christian Liberty, and Liberty of Conscience," and "fixes the stigma of persecution" on it, "upon principles of construction" so "fair," that all attempts to wipe off "the stigma" have been "Love's Labour Lost."

There remains only one thing in this defence, which I have not noticed, at least, as particularly as I ought. It is that part of it which bears, that "magistrates are" not

* So it was doing when the above was written.

“bound to proceed against every idler and belly-god;” the inference being, that the work of punishing for religious offences, carved out for magistrates, is not quite so large as the simple reader might be apt to suppose. I have said that this style of interpreting the Confession is really a correcting of it; and here it appears to me that the absurdity of this interpreting process is capped. The Confession says, that what the Church may proceed against by her censures, the magistrate may proceed against by his power. And when it “specifies the ways” in which persons may become liable to such procedure, surely the compilers of it in their wisdom fixed on “ways,” the travellers in which were not to be winked at, but called to account. There is, of course, a margin of discretion which must be allowed to all authorities, to whom such processes are committed: but the Confession does not make that margin larger to the magistrate than to the Church. To the travellers to whom the interpreter would, with the Confession’s sanction, give immunity from the magistrate’s power, he must also give immunity from the Church’s censure. If one takes a fancy to accord immunity to idlers and belly-gods, another may take a fancy to accord it to—who knows whom? and if Standards are to be so treated, it is hard to see how their credit and authority can be maintained.

So much for Dr. M’Crie’s celebrated defence of Chapter xx. of the Westminster Confession. Whether I have answered it or not, it is for the reader to judge: and I trust that I shall not be thought presumptuous if I add, that the defence of the Confession against the charge which I am maintaining, is a task which the Doctor ought not to have undertaken. He could not succeed in it: he did not hold the principles of the Confession: this was sure to come out, however adroitly he might execute his task; and it has

come out in an interpretation of the Confession, which, as has been shown, is really a correction of it. Dr. M'Crie drew a broad line of distinction between errorists in religion and good and peaceable subjects; the Westminster Divines so confounded these, as to identify them. Erroneous opinions and practices in religion, were with them crimes against society; "schismatics and heretics" being, in their view, greater criminals than "thieves and murderers." Dr. M'Crie held that, "to render an action the proper object of magistral punishment, it is not enough that it be contrary to the law of God, whether natural or revealed; it must in one way or another strike against the public good of society." There is no such proposition in the Confession: it could not be there; for the proposition assumes what, as I have just said, the compilers of the Confession did not admit, viz., that a man may err gravely in religion, and yet be a good and peaceable subject. This was with them a contradiction in terms.

Dr. M'Crie, moreover, had been initiated in his youth into the doctrine of the Associate Presbytery, that "The public good of outward and common order in all reasonable society, unto the glory of God, is the great and only end which those invested with the Magistracy can propose; in a sole respect unto that office. And as, in prosecuting this end civilly, according to their office, it is only over men's good and evil works that they can have any inspection; so, it is only over these which they must needs take cognisance of for the said public good: While, at the same time, their doing so must be in such a manner, and proceed so far alienably, as is requisite for that end; without assuming any lordship immediately over men's consciences, or making any encroachment upon the special privileges and business of the Church. And, moreover, as the whole institution and

end of their office are cut out by, and lie within the compass of natural principles, it were absurd to suppose that there could or ought to be any exercise thereof towards its end, in the foresaid circumstances, but what can be argued for and defended from natural principles." This is not Confessional doctrine. It involves elementary principles antagonistic to the Confession; and it began that divergence from it in the Presbyterian world which is already great, and is daily growing. It is doctrine that was unknown in the Westminster era. This Secessional doctrine Dr. M'Crie had imbibed in early life, and the leaven of it stuck to him to the last. It appears in the Testimony of the Church of which he died a most honoured minister. The Historical Part of that Testimony, which the Doctor drafted, lays down this most important principle: The civil magistrate "must not, as a magistrate, sustain himself a public judge of true or false religion, so as to dictate to his subjects in matters of faith."* Now, it is very clear that the magistrate could not do one of the many things which this Chapter of the Confession says that he "may" do, without "sustaining himself a public judge of true or false religion, so as to dictate to his subjects in matters of faith." Is he, for example, to proceed against a man for "erroneous opinions" in religion? In doing so, he necessarily sustains himself a public judge of what are true and what are false opinions in religion; just as, when he proceeds against a man for seditious opinions, he sustains himself a public judge of what are loyal and what are seditious opinions. And further, neither can he proceed against a man for erroneous opinions in religion, without "sustaining himself a public judge of true or false religion, so as to dictate to his subjects in matters of faith." The proceeding would be impossible

without the previous dictation. The magistrate can proceed against a man for sedition, only by libelling him for breaking the law against sedition which he had dictated to his subjects. And in like manner, the magistrate can proceed against a man for erroneous opinions in religion, only by libelling him for breaking the law against heterodoxy which he had dictated to his subjects.

CHAPTER V.

PERSECUTING PRINCIPLES OF CHAP. XXIII. OF THE CONFESSION OF FAITH.

THE twentieth Chapter of the Confession lays down what the civil magistrate *may* do in the sphere of religion without violating liberty of conscience. The twenty-third chapter lays down what he *ought* to do in that sphere. This is the difference between these two Chapters ; and if I have treated the twentieth a little more largely than was absolutely needful, I may now shorten proportionally my treatment of the twenty-third.

The latter chapter is “Of the Civil Magistrate :” the first section setting forth the divine ordination of his office, the end of it, and the power with which he is armed for accomplishing its end, viz., “the power of the sword ;” and the second section setting forth that Christians may lawfully accept and execute the office of a magistrate, and ought in managing it to maintain piety, justice, and peace, in the commonwealth, and that they may lawfully wage war upon just and necessary occasions. The third section begins with debarring the magistrate from usurping the functions of the officers whom Christ has appointed in His Church ; and then comes the obnoxious part of it, ascribing to the magistrate a power in religion and in the Church, incompatible

alike with the prerogatives of the only king and head of the Church, and with the natural rights and liberties of mankind. It runs thus: "iii. The civil magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys of the kingdom of heaven: yet he hath authority, and it is his duty, to take order, that unity and peace be preserved in the church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered and observed. For the better effecting whereof, he hath power to call Synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God."

What is the doctrine here taught concerning the civil magistrate in his relation to religion and the Church? What is it, in the natural sense of the words which the Confession employs, and which I must hold to be the true sense of them? I shall, first of all, try to answer this question as clearly and precisely as I can.

"The civil magistrate hath authority" to see that certain things be effected. The meaning is, he has authority, by virtue of his office, to see that the things specified be effected. Most obviously it is of the authority belonging to his office, as the civil magistrate, that the Confession speaks. To me it is surprising that this should have escaped the notice of any expositor of the Confession; and much more, the notice of those who have been so long familiar with the civil magistrate "as such," and so jealous against any invasion or abridgment of his authority "as such." The Confession had just said, "The civil magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys of the kingdom of heaven:" that is, his office

does not authorise him to assume these things to himself. Its authority does not extend to them. The administration of the word and sacraments, and the power of the keys, do not "appertain" to him, as the burning of incense before the Lord did not "appertain" to Uzziah the king (2 Chron. xxvi.) "Yet," the Confession proceeds to affirm, "the civil magistrate hath authority" to do so and so: that is, his office authorises him to do the things mentioned. Its authority reaches to them. It "appertains" to the magistrate to do them.

"The civil magistrate hath authority, and it is his duty," to see that certain things be effected. "It is his duty" as well. The meaning is, it is his official duty. As the "authority" spoken of is official, so the "duty" spoken of is also official. If the magistrate were to neglect or to violate it, he would neglect or violate the duty of his office. The supreme Lord and King of all the world has not instituted magistracy in vain. He has appointed the office, and has put into it all the authority belonging to it. He has put that authority into it that it may be exercised; and it is the duty of magistrates to exercise it, for the accomplishment of all the purposes which magistracy is meant to serve.

"The civil magistrate hath authority, and it is his duty, to take order," that certain things be effected. What is this "order-taking?" What does it embrace? All that it may imply, according to the particular constitution and condition of the country which the magistrate rules, I need not attempt to set down. For my purpose it is enough to say that, in all cases, it necessarily implies these two things. First, the magistrate's "taking order" that certain things be effected implies that he requires them to be effected. He requires this in the exercise of the authority inherent in his office. He gives law that the things in question be done. And,

second, the magistrate's "taking order" that certain things be effected implies that he enforces his requirement. He sees to its execution. He takes care that the law which he gives shall not be a dead letter, but that it shall have due effect throughout his dominions. It cannot be that any thing less is intended by this "order-taking." Any thing less would turn magisterial "order-taking" into a mockery; and would make the Confession of Faith hold up magisterial authority to contempt.

"The civil magistrate hath authority, and it is his duty, to take order, that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed." A wide field this over which to stretch the magistrate's "authority!" A most comprehensive and onerous "duty" this to lay upon him! The field is as extensive as religion, natural and revealed; for "publishing and maintaining errors in which, whether in opinion or in practice, whether in their own nature or in the manner of publishing and maintaining them," the Confession had said, in the twentieth Chapter, that the errorists "may be proceeded against by the power of the civil magistrate." The terms describing the field, in this twenty-third Chapter, are diverse; but the field is the same: the difference being merely this, as has been already remarked, that while the one Chapter states what the magistrate *may* do, in that field, without trenching on liberty of conscience, the other states what he *ought* to do. "It is his duty to take order that unity and peace be preserved in the Church," etc. That is to say, the magistrate ought to interpose his authority, requiring that these things be effected, and enforcing the

requirement on all his subjects ; vindicating his authority as to matters of religion by the condign punishment of those who dare to tread it under foot.

This is the doctrine of this section of the Confession ; taking the words employed in their natural sense, and in the sense which the compilers of the book attached to them. It is, I say, the natural sense of the words ; and as a single illustration of this, take the clause bearing, that “it is the civil magistrate’s duty to take order that all blasphemies and heresies be suppressed.” I select this clause because it uses a term in very common use in its application to the magistrate, and which everybody at once and perfectly understands. How, pray, does the magistrate take order that any existing evil be “suppressed?” How, for example, did he, in days of yore, take order to suppress border forays? He issued severe edicts against them, and exerted his power to inflict the vengeance threatened on the guilty. He proceeds in the same way now, when he takes order to suppress smuggling, or housebreaking, or any such evil, which may peculiarly afflict the community. He enacts strict laws against the evil, and he rigorously executes them. And just thus does he “take order that all blasphemies and heresies be suppressed ;” setting himself against them in the exercise of both his legislative and his executive functions.

Not only is this the natural sense of the words employed in the Confession, but it is the sense which the compilers of the Book meant them to convey. It was in the way which I have indicated that the civil magistrate in their day suppressed blasphemies and heresies. It was in this way that the Westminster Assembly counselled him to suppress them. When they wished the blasphemies and heresies of Paul Best, the Arian, to be suppressed, they informed the House of Commons against him, got him thrown into prison, and a

bill passed for hanging him. When they wished the blasphemies and heresies, of Biddle, the Socinian, to be suppressed, they took the same course. And this course they made the Standards to prescribe that the magistrate should take with all other religious delinquents; as with schismatics and troublers, who rend the unity and distract the peace of the Church, and with corrupters of its worship and discipline. All were to be visited by the magistrate with such condign punishment as might reduce them to obedience to his authority, and deter others from following their pestilent example.

The Confession adds that, "for the better effecting" of the various objects specified, the magistrate "hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God:" on which I only call attention for the present to the largeness of this "power." If the magistrate does not keep the Church united and peaceful, pious, orthodox, and pure, he certainly cannot plead any deficiency in the power granted to him for these ends. Much does such a power need to be limited; as the General Assembly of the Scottish Kirk, which adopted the Confession, did limit the magistrate's power of "calling synods," as stated in the thirty-first Chapter, declaring that "it is to be understood of kirks not settled or constituted in point of government, and not to the prejudice of the intrinsic power of the Church, received from Christ, to call her own assemblies."

Having thus ascertained what the doctrine of this section of the Confession really is, the next question is, Is this doctrine persecuting? That it is so I do not need to prove, for two reasons. The first is, that this is admitted by all with whom I care to hold controversy on the subject. It is admitted by them that the doctrine, which I flatter myself I have made it pretty plain, that the Confession teaches, is

persecuting. They concur with me that to punish men on grounds of religion is to persecute them ; and the Confession, if I have fairly evolved the teaching of this section of it, not only authorises, but enjoins the magistrate to punish men on grounds of religion. It makes this to be his imperative, heaven-imposed duty.

The second reason why I do not require to prove this here, is that it is sufficiently proved in what I have written on the twentieth Chapter of the Confession. Every proof there adduced, showing the teaching to be that the magistrate *may* proceed against men for offences in religion, without violating the sacredness of conscience, equally applies here to show that the magistrate *ought* to proceed against men for offences in religion. The principle in both chapters is the same. So are also the "Scripture-proofs" in support of it: they are either the identical scriptures or others quite parallel to them ; and I repeat (it cannot be too often repeated), that if these Scripture-proofs prove anything, it is the right and duty of the civil magistrate to take cognisance of his subjects in matters of religion, and to punish them for religious delinquency.

Any other construction of the passage of the Confession now in hand is flagrantly absurd. If it is the magistrate's "duty to take order that unity and peace be preserved in the Church," it must be his duty to take order that the schismatic and factious, who break the Church's unity and peace, be punished. The contrary is all but a contradiction in terms. If it is the magistrate's "duty to take order that the truth of God be kept pure and entire," it must be his duty to take order that the corrupters and mutilators of that truth be punished. The contrary is all but a contradiction in terms. And so with all the other articles in the manual of duty which this section of the Confession puts into the magistrate's

hand. The contrary makes the Confession contradict itself; for it denies to the magistrate, in the duty which this section of the Chapter imposes upon him, the use of "the power" with which the first section of the Chapter says that "God hath armed" him for the work of his office. The contrary contradicts common sense; for it requires of the magistrate a duty the means of performing which it takes out of his hand. The contrary, moreover, belies all that history records of the persecuting principles prevalent during the Westminster era. Let the reader remember them as they are documented in my Third Chapter; let his eye only look back to the horrible Ordinance of the Long Parliament in 1648 against heresy, under the guidance of its "grand council," the Westminster Assembly; let him only do this, and he deserves to be dubbed the Prince of Doubters, if he has the shadow of a doubt as to what the Westminster Assembly meant when they said, "The civil magistrate hath authority, and it is his duty, to take order, that unity and peace be preserved in the Church," etc.

What have the defenders of the Standards against the charge of teaching persecuting principles in religion to say to all this? The late Dr. M'Crie says:

"In support of the objection under consideration, some have referred to chapter 23 of the Confession, in which it is stated to be the magistrate's duty 'to take order that all blasphemies and heresies be suppressed,' etc. But as certain means by which he is to endeavour to effect this end are there mentioned, without one word about coercion or punishment, every person must perceive that that passage gives no occasion for such an inference."*

I must anew thank Dr. M'Crie for the concession which this defence of his implies. It implies that if there was in

* *Appendix to Discourses on the Unity of the Church.*

this section of the Confession “one word” for “coercion or punishment” in religion, that would be “a word” for persecution. This is *light* which had not broken in upon all who have girded on their harness in defence of the Standards. That there is not in the section a “word about coercion or punishment” is granted; but what of that? If the *word* is not there, the *thing* is there. It is in every clause of the section. It is most visibly in the clause which Dr. M'Crie quoted, and which he would fondly free of the taint of the *thing*, because it is free of the taint of the *word*. But this is sheer trifling. Did Dr. M'Crie know of any way in which the magistrate could suppress a rampant evil without “coercion or punishment?” If he did he should have told the secret, and that would have been something to his purpose. Till somebody appear to reveal that secret I must stick to what I wrote a little ago, viz., that the magistrate can “suppress blasphemies and heresies” only as he suppresses smuggling, housebreaking, etc. Till then, too, I must claim the Confession itself as on my side; for, if it has not “one word” about the magistrate's suppressing blasphemies and heresies “by coercion or punishment,” it has all needful words to interdict him from attempting to suppress them in the only other way in which it can be officially done. He “may not assume to himself the administration of the word and sacraments, or the power of the keys of the kingdom of heaven.”

But there is another thing in the Doctor's defence. According to him, not only is there not in this section “one word” for persecution, but another and a better way in which the magistrate may “take order that all blasphemies and heresies be suppressed” is pointed out. “Certain means by which he is to endeavour to effect this end are mentioned.” The “certain means” are, the instrumentality of the Church,

or, to put it a little more strictly and accurately, the magistrate's making the Church to do its duty. "For the better effecting whereof, he hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God."

So he interprets ; and I venture to say that, had he not felt very keenly the straitness of the siege, such an interpretation would never have appeared under his honoured name. For, in the first place, the duty which this section of the Confession lays on the magistrate is duty which he must perform himself, whether the Church co-operate with him or not. He cannot commit this duty to the Church, and so perform it by proxy : neither is his obligation to perform it contingent on the concurrence of the Church, or of any other party. The Church, indeed, could not perform it for him ; for it has not *magisterial* power, by which power alone can his duty be done : just as he could not perform the Church's duty, for he has not *ministerial* power, by which power alone the Church's duty can be done. In the second place, the doctrine of the Scottish Reformed Kirk has always been as I have now stated it. To some proof of this given already, I may add what Mr. Henderson said on the subject in his debate with Charles I. He "did not apprehend the consent of the clergy to be absolutely necessary to Church reformation ; for, if so, what reformation can be expected in France, in Spain, or in Rome itself ? It is not to be imagined that the pope or prelates will consent to their own ruin."* In the third place, this is the doctrine of the Confession, and of the very section of it now under consideration. After laying down the magistrate's duty to religion, it says, "For the better effecting whereof,"—not "for the effecting whereof," but "for the *better* effecting whereof, he (the civil magistrate)

* STEVENSON'S *History of the Church and State of Scotland*, 554.

hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God." Are synods and their transactions here "mentioned as the means" by which the magistrate is to effect the duty which he owes to religion? No. Synods are not essential to the "effecting" thereof, and at the best can only contribute to "the better effecting" of it.

His defence of this part of the Confession Dr. M'Crie could hardly expect others to accept. Paradoxical as the assertion may seem, he did not accept it himself. That the magistrate could discharge *his* duty to religion by taking order that the Church should do *its* duty to it, Dr. M'Crie did not believe. This appears, as from other writings of his, so from the Testimony of his Church, of which he was such a distinguished ornament. "The phrase, 'for the *better* effecting whereof,' obviously supposes that there are other means (than the 'calling of Synods,' etc.) competent to him (the civil magistrate) from which he is not precluded. To remove all difficulties as to the nature and extent of these, it may be necessary to remark—1st, That they are to be limited by the assertion mentioned above, viz., that he is not to interfere, either ministerially or judicially, in the internal affairs of the Church; 2ndly, With this limitation, the Christian magistrate may, nevertheless, in a number of particulars, bring the influence and authority of his station to bear directly upon the objects specified. *First*, As a pious Christian, he may promote these ends more effectually than others, by advice and example, as his advice and example are calculated to have more weight, owing to the high station which he fills in society; and, *secondly*, As an enlightened and patriotic magistrate, he may contribute to the same ends in a variety of ways, as we have already seen (art. 3) in the due exercise of his official authority, 'by recognising and giving

public countenance to the profession of true religion—by removing from the civil constitution of the country whatever may be found to stand in the way of its progress—by endeavouring in every way competent to him, and consistent with its peculiar nature and laws, that its salutary influence have free course, and be diffused through all orders and departments of society,” etc.*

I turn now to another defender of the Standards. I do not fear that I shall be complained of for being lacking in dutiful attention to the late Dr. M'Crie; and in what remains of this chapter, I shall pay my respects to the late Principal Cunningham. “The Westminster Confession on the Relation between Church and State,” is one of the most elaborate articles in that volume of his entitled “Discussions of Church Principles,” and is marked by all the dialectical power and subtlety of the author. It was originally entitled, “Remarks on the Twenty-third Chapter of Confession of Faith as bearing on Existing Controversies;” the more immediate object of it being to show that the Chapter gives no countenance to Erastianism. But in doing this, the Principal shows substantially, though not directly and formally, that the Chapter gives no countenance to persecution. The two, indeed, are so closely connected, that they imply the one the other. If it could be made out that the Confession is anti-Erastian, or, in other words, that it shuts the magistrate’s authority over his subjects out of the sphere of religion, it would, of course, follow that he could not persecute in religion. But if the Principal has failed to vindicate the twenty-third Chapter of the Confession from the charge of Erastianism, he has also failed to vindicate it from the charge of persecution; for, to re-quote Dr. Hetherington, “The Erastian theory . . . destroys

* *A Testimony to the Truths of Christ, etc.*, agreed to by the Synod of Original Seceders, 79, 80.

liberty of conscience, making spiritual matters subject to the same coercive authority as temporal affairs naturally and properly are :” and that the Principal has failed, notwithstanding his matchless fitness for the task to which he addressed himself, I hope to make very evident. On the disputed Section of the twenty-third Chapter of the Confession, he puts an interpretation, not only different from that which I have offered, but opposite to it. He says :

“ The declaration, that ‘ the civil magistrate hath authority, and that it is his duty, to take order that unity and peace be preserved in the Church,’ &c., of course necessarily implies that all the things here specified the civil magistrate is entitled and bound to aim at,—to make it his object, by all means lawful in themselves and competent to him, to effect. And the leading points to be ascertained, in order to fix the meaning of the passage, are these : Does it mean anything more than this? Does it indicate the means he is to employ, in order to effect these objects? Now, there is no medium between these two things : either it must mean merely that these are objects which he is entitled and bound to aim at ; or it must mean, moreover, that these are subjects in which he has rightful jurisdiction, that is, *with respect to which he is entitled to judge and determine, not only for himself, but for the regulation of the conduct of others.*

“ Now, we assert that the words here used do not necessarily or naturally mean more than this,—that the various matters here specified are objects which he is entitled and bound to aim at ; and that to interpret them as going beyond this, and as ascribing to the magistrate jurisdiction in these things—for there is no medium—is to make the Confession contradict itself, and the known views of its authors and of the Church of Scotland at the time it was adopted ; and that therefore the true, real, and intended import of the passage,

is just to declare the great fundamental principle of national establishments of religion,—namely, that the civil magistrate is bound to exercise his lawful authority in civil things, with a view to the promotion of the interests of religion and the welfare of the Church of Christ, and for the purpose of securing these great results.”

“The introductory words, that ‘he (the magistrate) hath authority, and it is his duty,’ do not necessarily, or even naturally, mean more than that it is competent to, and incumbent upon, him; and then the next phrase, ‘to take order,’ on which the meaning of the whole statement essentially depends, can easily be proved, according to the *usus loquendi* of that and the preceding period, to mean,—*to attend to, to aim at, to see about, to provide for, to labour to effect.*”

“The words, then, do not necessarily or naturally mean more than that the civil magistrate is entitled and bound to aim at, and to seek to effect, the different objects here specified, which are all comprehended under the general heads of the welfare of religion, and the prosperity of the Church of Christ. This is just the principle of National Establishments, which we believe to be not only true, but important. The Voluntaries, in opposing this principle, used to allege that it necessarily implied the right of the civil magistrate to exercise authority or jurisdiction in religious matters, and over the concerns of the Church. This was denied and disproved by the defenders of Establishments, who showed that there was a clear and palpable distinction between the object of the magistrate’s *care*, and the sphere or subject of his *jurisdiction*; and that while he was entitled and bound to aim at the promotion of the interests of religion and the welfare of the Church, he had no jurisdiction, or right of authoritative interference, in religious or ecclesiastical matters;—that the

sphere of his jurisdiction was only the persons or property of the men,—and that his jurisdiction in these civil things he was to exercise for promoting the religious and ecclesiastical objects which it was his duty to aim at and promote.

“The Moderate party in the Church of Scotland, whose ruinous policy gave to Voluntary arguments all their plausibility, and to Voluntary efforts all their influence, appear to have adopted the Voluntary notion on this point; and seem to think that the magistrate’s obligation to promote the interests of religion and the welfare of the Church, brings these subjects within the sphere of his jurisdiction, and entitles him to exercise authority over others in regulating them. Not only, however, is there nothing in the general principle itself, but there is nothing in the mode in which it is stated in the twenty-third Chapter of the Confession, to warrant such an idea. If, indeed, the civil magistrate could do nothing whatever for the accomplishment of these objects, except by the exercise of an Erastian control over the Church which he favoured, and by the infliction of persecution upon those whom he did not favour, there might be some ground for the views of the Moderate and Voluntary parties upon this point. But the assertion of the general principle of the right and duty of the magistrate to promote these objects, leaves untouched the whole question of the means which he is to employ for effecting these ends; and the Confession, while explicitly asserting the general principle of his right and obligation, does not specify the nature of the authority he is to exercise, or the character of the means he is to employ, for that purpose. The exercise of any ecclesiastical jurisdiction,—the assumption of any right to decide authoritatively ecclesiastical questions,—cannot be supposed to be one of the means which he is to employ for promoting these ends, for there is no statement here that sanctions this idea;

while it would flatly contradict those parts of the Confession which assert Christ's appointment of a distinct government for His Church in the hand of ecclesiastical office-bearers, and forbid the assumption by the civil magistrate of the power of the keys."

"All the objects which ecclesiastical office-bearers are bound to aim at, the civil magistrate is also bound to aim at, just as every private individual is bound to aim at them. The magistrate is prohibited from exercising ecclesiastical jurisdiction in seeking to effect these objects; no specific statement is given of the means he is to employ for this end; and, therefore, the conclusion is inevitable, that the civil magistrate is, like men in general, to use the authority and power competent to him as such—and what that is must be ascertained from other sources—for promoting the interests of religion, and the purity and prosperity of the Church. He has no jurisdiction in ecclesiastical matters, and, therefore, in whatever he may do in regard to these things, and for the promotion of these objects, he must act,—freely and independently indeed, upon his own responsibility,—*but still simply as judge of his own act, for the application of his own influence, and the regulation of his own conduct*; and more especially, he must not assume jurisdiction over those who have lawful jurisdiction in these matters, and in whose hands the right not only of aiming, in some way or other, at the promotion of these objects, but of actually administering the government of the Church, has been vested by Christ himself. It is true,—and true equally of Church courts, of the civil magistrate as such, and of private individuals,—that they have authority, and that it is their duty to take order, that unity and peace be preserved in the Church, etc.; but it is true only and exclusively of ecclesiastical office-bearers and Church courts, that it is competent to,

and incumbent upon, them ‘ministerially to determine controversies of faith,’” etc.*

These extracts will, I trust, give a fair idea of Principal Cunningham’s defence of the twenty-third Chapter of the Confession from the charge of being Erastian, and, therefore, from the charge of being persecuting. That the defence should satisfy people of weak minds and strong prejudices, more especially in a time of high ecclesiastical excitement, I can understand; but I can hardly imagine how it could satisfy such a man as the Principal, and much less how he could indite it. He ought not to have stooped to correcting the Confession, under colour of explaining it; and still less to denying it, under the same colour.

The Confession here assigns the civil magistrate most important work in regard to religion and the Church; but, according to the Principal, it “does not specify either the nature of the authority he is to exercise, or the character of the means he is to employ, for that purpose:” “it leaves untouched the whole question of the means.” Were this true, my charge against the Confession could not be maintained. It could not be convicted of teaching persecuting principles in religion, were it mute on “the nature of the authority” in regard to religion which the magistrate is “to exercise,” and on “the means” for furthering its interests which “he is to employ.” Besides, were this true, it would be certainly no compliment to the compilers of the Confession. They have indited a Chapter, “Of the Civil Magistrate;” in a series of consecutive clauses, they have laid down large, various, and momentous work which, they say, he ought to do for religion and the Church; and yet, according to this interpreter, they have not said a word either as to “the nature of the authority,” or as to any one

* *Discussions on Church Principles*, 222-226.

thing in "the whole question of the means," by which his work is to be done! Methinks, if those admirable men were to rise from the dead, and to reassemble in the Jerusalem Chamber, and were to see this Chapter of the Confession made such a bungle of, they would unanimously and earnestly accord in the aspiration, Save us from such defenders of our handiwork!

As to the "nature of the authority" which the magistrate hath for doing what is here assigned to him for religion and the Church, there is no mystery; and nobody need mystify himself about it. The magistrate's authority has not two or more diverse *natures*: it has only one nature, which is indivisible and indistributable: it is "magisterial," "imperial," "monarchical," "lordly," "coercive," "coactive" authority, as our fathers of the Westminster age were wont to describe it, in contradistinction from the "ministerial" authority of church-officers. On this point the Principal does seem to have verged on mystifying himself, in writing as if the nature of the magistrate's authority, when not specified, was dubious; as also in writing this other sentence: "It is true,—and true equally of Church courts, of the civil magistrate as such, and of private individuals,—that they have authority, and that it is their duty to take order, that is, to seek to effect, according to their place and means, that unity and peace be preserved in the Church," etc. That this assertion is true of "Church courts," and of "the civil magistrate as such," is intelligible; but it at once raises the puzzle, How can it be true of "private individuals?" They have "no authority," in the sense in which authority is asserted of the other two parties. If what is true of the magistrate is "true equally" of them, what is true of them must be "true equally" of the magistrate; the conclusion being, that the magistrate has no authority at all in the matters mentioned: a way of expounding the Confession,

which, as I premised, is really a flat denying of it. Authority is the prerogative of a superior. It supposes an inferior, and implies the superior's right to command, and the inferior's duty to obey. As old Mr. Cotton has it, aphoristically, "Authority is a moral power, and a superior order and state, binding or loosing an inferior in point of subjection. Christ hath given no jurisdiction but to whom He hath given office."* Magistrates and Church courts are superiors, and have inferiors. They have office, and therefore have jurisdiction. It is not so with private individuals. Not authority to take order, but obligation to obey, is the thing predicable of them; and it is absurd to talk of their jurisdiction or authority, and to appeal to it for illustration of the magistrate's authority to do his duty to religion and the Church.

"The civil magistrate hath authority, and it is his duty, to take order" that certain things in regard to religion and the Church be effected. According to Principal Cunningham, on the meaning of "his taking order," "the meaning of the whole statement essentially depends;" and it "can easily be proved," he avers, "that to take order is *to attend to, to aim at, to see about, to provide for, to labour to effect.*" A copious selection of very good synonyms; but what do they prove? Nothing! After being illumined by them, the point which they are gathered to settle is as far from settlement as ever. The question is, What is it for the magistrate to "take order"? It is, says the Principal in the last of his synonyms, "to labour to effect." But who is a whit the wiser for this? The old question, though in new words, still meets us in the face, What is it for the magistrate to labour to effect? What is it for him to labour to effect a thing, which, be it observed, he "hath authority, and it is his duty," to effect? In the name of common-sense, can it

* COTTON'S *Keys*.

be any thing less, or any thing else, than I have made it to be, viz., that the magistrate require the thing to be effected, and enforce the requirement by all due pains and penalties on those who dare to disobey him? I shall hold that it does not and cannot mean any thing less, or any thing else, till somebody appear with a better answer to my question than a lot of synonyms to "taking order," themselves needing an interpreter as much as the phrase which they are adduced to explain.

But, indeed, the sense of the phrase "to take order" is determined by the "*usus loquendi* of that and the preceding period." It was very often used of magistrates; and I believe I may safely challenge all opponents to produce an instance in which, when applied to them, it does not manifestly bear the sense which I have given it. I may refer to three instances. In 1560 the Congregation supplicated Parliament "for freedom and liberty of conscience, with a godly reformation of abuses." The same supplication had before been disdainfully rejected, but was again made, "seeing that God of His mercy hath now put into your hands, to take such order, as God thereby may be glorified," etc. And how was "such order" to be "taken"? "First, seeing that God of His great mercy hath by the light of His Word manifested to no small number of this realm, that the doctrine of the Roman Church . . . contained in itself many pestiferous errors, . . . we humbly crave of your honours, that such doctrine and idolatry as by God's Word are both condemned, so may they be abolished by Act of this present Parliament, and punishment appointed for the transgressors."* In 1580, by an ordinance of James VI., the National Covenant was to be administered by

* *The History of the Establishment of the Reformation of Religion in Scotland.* By GILBERT STUART, LL.D.

all clergymen to their parishioners, and, under a penalty of £40 Scots, to be deducted from their stipends, the names of recusants were to be forwarded to the Council, "that we may take order," said his Majesty, "with such proud contemnners of God and His laws." His Majesty's "taking order" with recusants plainly meant that he would severely punish them for disobeying him in not subscribing the Covenant. Again, in 1648, the treaty, or Engagement, as it was termed, with King Charles, was felt to be such a grievance that the General Assembly of the Kirk petitioned the Committee of Estates against it; supplicating their lordships to be sensible of the guilt brought on themselves and others by enjoining the subscription of it, and entreating them "to take such order as that subscription might be no further pressed on the people of God within the land."* What was the purport of their entreaty? Very plainly, that their lordships should retrace their steps, and rescind the Act requiring all the subjects to subscribe the obnoxious Engagement.

So far, then, is the Confession from "leaving untouched the whole question of the means which the magistrate is to employ" for preserving unity and peace in the Church, etc., that the very "order," which it says "he hath authority to take," and which it is his "duty to take" for these purposes, decides the question. They are means, the employment of which implies the exercise of the magistrate's legislative and executive power; which is enough for my argument. And there is other evidence of this which no one could overlook, except by dint of very hard winking.

Principal Cunningham asserts that the Confession not only does not "specify," but does not even "indicate," the means which the magistrate may and ought to employ for

* STEVENSON'S *History of the Church and State of Scotland*, 603.

the objects specified in regard to religion and the Church. So very imperfect is the manual of duty which it puts into the magistrate's hand ! So far is it behind the Confessions of all other Protestant Churches, in the sixteenth and seventeenth centuries ! It gives me pleasure to interpose in behalf of the Confession here, and to meet the Principal's assertion with a counter-assertion. The Confession does indicate the means in question broadly and clearly. It indicates them *negatively* ; saying in the first part of this section, "The civil magistrate may not assume to himself the administration of the Word and sacraments, or the power of the keys of the kingdom of heaven." It indicates them *positively*, and that in manifold ways. It indicates them in the first section of this twenty-third Chapter, by defining the power with which magistrates are armed for accomplishing the great end of their office, "the glory of God, and the public good," comprehending, of course, all the subordinate ends thereof. "To this end, God hath armed them with the power of the sword, for the defence and encouragement of them that are good, and for the punishment of evil-doers : " orthodox conformists being among "the good," and schismatics and heretics being among the "evil-doers : " the magistrate's armour, *alias*, his means of defending and encouraging the one, and punishing the other, being "the power of the sword."

Again, the Confession indicates the means when it says, "The civil magistrate hath authority, and it is his duty, to take order, that unity and peace be preserved in the Church," etc. Whatever the magistrate, as such, has authority to do, and whatever it is his duty to do, he must have the power to do ; and the "lordly, monarchical, coercive" character of his power, as our fathers described it (quite in accordance with the Confession's here calling it "the power of the

sword”), determines the character of the means which he is to employ. The assertion, intelligently made, that the magistrate, as such, hath authority, and that it is his duty, to see a certain thing effected, includes the means by which that thing is to be effected; those, namely, falling within the compass of his official, “lordly, coercive” power. So Samuel Rutherford taught; in this contrasting favourably with the late Principal of the New College, Edinburgh. To an objection of the author of “Ancient Bounds,” he answers: “How, I pray you, doth the magistrate send ministers to rebuke, exhort, and reclaim men from their errors, but not compel gainsayers? The magistrate, I am sure, sent not Paul and Barnabas; it was not so from the beginning; in the Apostolic Church there were no Parliament-ministers. But it may be the author means a political, civil sending of ministers to extirpate heresies. But be it so: all magistratical sending of ministers is a commanding of them by the sword, in a compulsive way, that they go preach against Socinianism, etc. But if so, good sir, remember yourself, the magistrate, as the magistrate, doth not request, and morally by the power of the Word (for he hath not any such spiritual armour, I conceive, for his armour) entreat, and say, ‘Good pastors, I beseech you go preach against Del, Randal, etc., and extirpate their heresies:’ private men so send pastors; but as a magistrate he must say, ‘I command you go preach against these heresies.’ . . . What do you then talk of no compelling? for whatever the magistrate by his place doth command which is lawful, if ministers or any other refuse to obey, he may use the sword against them. Ye cannot say, if it be a matter of conscience he cannot compel them to do it by his place: then, say I, by his place he cannot command them neither. Beside that, this answer is directly against the words of the Covenant; if every man

in like manner (Art. 2) be to endeavour the extirpation of Popery, Prelacy, heresy, and schism, in his several places and callings, as the author saith: this refers to the whole obligation of each person respectively. Then is the magistrate, according to his place and calling, which is to bear the sword, to compel with the sword the extirpation of Popery, Prelacy, heresy, and schism: and what hath the author gained by this gloss, which I conceive is the true gloss, except he mean [that] the magistratē, as the magistrate, should lay aside his sword, and fall to prayers, requests, obtestations, that heretics would lay aside their errors and preach sound doctrine; but now he doth so pray and request, not according to his place as a magistrate, but according to his vocation as a saint and a Christian; which yet crosses the Covenant, and makes the Parliament, not as the supreme court of judges to take the Covenant, but as so many private Christians.”* So, also, the Second Book of Discipline, with which the Confession is, and was meant to be, in entire harmony. It teaches, as has been seen, that “the magistrate gets obedience by the sword, and other external means; that he ought to command ministers to observe the rule commanded them in the Word, and punish transgressors by civil means; and that he ought to punish civilly people who will not obey the censure of the Kirk.”

Principal Cunningham insists that the meaning of the Confession in this section of it is, that, in the things of religion and the Church, the civil magistrate “*is entitled and bound to judge and determine, not for others, but for himself, and not for the regulation of the conduct of others, but for the application of his own influence, and the regulation of his own conduct.*” There is, therefore, it is contended, no taint of Erastianism in the section, and consequently none of

* *A Free Disputation against Pretended Liberty of Conscience*, 256, 257.

persecution. The distinction on which this contention proceeds is nice and subtle ; but it has no pertinence to the case in hand, and no value. Not only so, but the exegesis founded on it is self-eversive ; it involves a contradiction. In no matters, civil or religious, does the civil magistrate, "as such," judge and determine for himself, and not for others. He cannot. He is a public person, the head of the nation ; his judgments and determinations are public, and they regulate the nation. When the magistrate judged and determined that the ports of the United Kingdom should be opened to the food-produce of the world, did he do this for himself only ? did he do it to regulate his own conduct only ? No ; he did it for the United Kingdom also, in which the protection system forthwith ceased, and free trade was established. Were the magistrate to judge and determine that capital punishment is wrong or inexpedient, would he do this for himself only ? and would it regulate his own conduct only ? No ; he would do it for the country also, and for the regulation of its conduct ; capital punishment forthwith ceasing in it, and another mode, thought better, of dealing with our worst criminals succeeding to it. And so is it with the magistrate's judgments and determinations in regard to religious and ecclesiastical matters. It is necessarily so with them. They are necessarily judgments and determinations for others as well as for himself, and for the regulation of their conduct as well as of his. The statute-book, in fact, the rule of the conduct of all the subjects of the Commonwealth, What is it ? Is it anything else than the code of the civil magistrate's judgments and determinations ?

I should be ashamed to write such truisms had not "a prince and a great man in Israel" laid the necessity upon me. A private individual may do what Principal Cunningham makes the Confession here to teach that the civil

magistrate may and ought to do. My next neighbour may judge and determine for himself what he ought to do for religion and the Church, and may regulate his conduct accordingly, without interfering in any way with my doing the same for myself, and without subjecting me to loss, or suffering for doing it. But the civil magistrate can do no such thing. In judging and determining for himself what he ought to do for religion and the Church, and in regulating his conduct accordingly, he judges and determines which religion and Church he is to approve and which to condemn; which he is to favour, and which to disfavour; which he is to tolerate, and which he is to forbid in his dominions; and his decisions guide his conduct. In doing these things for himself, he does them for his subjects as well. They are things which come into immediate contact with their most sacred rights and liberties; they invade and violate them. He persecutes every good and peaceable subject whose religion and Church he forbids. Ay, he persecutes every good and peaceable subject, on whom he imposes any disability, or whom he subjects to any penalty, because of the religion which he professes, or of the Church to which he adheres.

Suppose the Principal to have had some small experimental taste of this. Suppose that soon after 1843 the civil magistrate had denounced his "Jerusalem as a rebellious and bad city, and hurtful unto kings and provinces." Suppose him to have taken order that it should be suppressed. Suppose the Principal to have complained of the persecution. Suppose it to have been pleaded for the magistrate, that he had only judged and determined for himself, what was required of him, in his place, for the welfare of religion and the Church, and had acted accordingly, and that he had left others in their places to do the same. Suppose the com-

plainant to have been thus reasoned with, and soothed and consoled by some old Moderate, who knew on which side his bread was buttered, and who had a comfortable faith that "whatever is, is right." How the Principal's answer would have scathed him ! How he would have looked him in the face with lofty scorn, and said, "Should thy lies make men hold their peace ? and when thou mockest, shall no man make thee ashamed ?"

All the dusty dubiety which he had raised about the nature of the authority which the civil magistrate is to exercise, and the means which he is to employ in taking order, that unity and peace be preserved in the Church, etc., the Principal kindly clears away, and sets his seal, upon the whole, on the exposition of these things which I have given. The authority which the magistrate is to exercise in seeking the objects specified is, he says, "his rightful jurisdiction in civil things," his "control over the persons and property of men :—" and the means which he is to employ for effecting the objects specified are,—*"exercising his rightful jurisdiction in civil things for promoting the interests of religion and the good of the Church ;"* *"giving the system of religious doctrine and of ecclesiastical practice which he favours that countenance and assistance which his control over national measures, laws, and resources, enables him to render if he chooses."*

This is sufficiently loose and indefinite ; but it may be taken as fairly construing the Confession, so far as it goes. But it misconstrues it in restricting the magistrate's authority, even when it is exercised about religious and ecclesiastical matters, to the sphere of civil things. Another distinction, quite of a piece with that of the magistrate's judging for himself and not for others, of which I disposed a little ago. Men's persons and property are civil things, over which the civil magistrate has lawful power ; but when he exercises that

power for religious ends, as the expositor says the Confession here binds him to do,—when he burns the body of one for heresy, and confiscates the estate of another for schism, quite ordinary and common duties of his office from two to three hundred years ago ; in this case it is not so clear to me where the civil magistrate is now. Is he in the civil sphere, or in the spiritual? Is it a civil cause or a spiritual that he has judged, in finding the two men guilty—the one of heresy, and the other of schism? And is it a civil punishment or a spiritual that he inflicts when he burns the body of the one, and confiscates the property of the other?

However these questions may be answered, there is another observation which I must make here. The teaching of the Confession, according to the gloss on it with which I am now dealing, is, that the civil magistrate should exercise his dominion over the persons and property of men for the good of religion and the Church. It seems to be insinuated that in making persons and property the subject of the magistrate's dominion, it sets and keeps conscience free from that dominion. Let no one be misled by this, or by the nonsense often talked about the magistrate doing what he may with persons and property, if he meddle not with conscience, and do not force conscience. Conscience cannot be forced ; and it is not by forcing it that the magistrate persecutes. He persecutes men by punishing them in their persons, or in their property, or in both, because they will not act contrary to conscience,—because they obey it, and God speaking by it, rather than him. By giving the magistrate dominion over men's persons and properties for religious ends, the Confession arms him with a very perilous and tremendous power ; and the more so that it is given to one who, for the discharge of his duty, has to judge what true religion is, what the true Church is, and what is the true

good of both. In every one of these judgments he may fall into a mistake ; and he may mistake, too, in acting on them. He may err in the whole of this business ; and then, though he err, his subjects have no alternative but to submit to him. He is the supreme and final judge on earth, in whose hand is the whole disposal of their persons and property, as he may think best, for the benefit of religion and the Church. Says Apollonius, or rather Voetius, as quoted and concurred in by Apollonius, " From this decision of the magistrate there is no appeal to any tribunal, either civil or ecclesiastical, but only to God. Any one who cannot conscientiously approve of it (for no one is bound in conscience to approve of any decision of a court brought against him, if it is not justly and properly reached) must just obediently submit to it by patient endurance, or by going into exile, since he cannot actively obey it." *

I do not believe that " the supreme Lord and King of all the world " hath, by His constitution, put the world into this most perilous and deplorable state. I do not believe that He has so placed it at the mercy or the cruelty, the wisdom or the folly, the piety or the impiety, of the civil magistrates thereof. I do not believe that He has authorised them, even for the good of religion and the Church, as they may judge, to impose any disability, or to inflict any penalty, on good and peaceable subjects, be their religion and Church what they may. And convinced that there are in the Westminster Standards what Adam Gib called " some specious remains of the leaven of that abomination," viz., persecuting principles, or, as it was then more commonly expressed, compulsory methods of dealing with men in matters of conscience,—I must so far distinctly and openly qualify my adherence to the " whole doctrine " of them.

* *Jus Majestatis Circa Sacra*, 291, 292.

But instead of such arguing as I have somehow indulged in, there is a sure and easy method of deciding the merits of Principal Cunningham's exposition of the twenty-third chapter of the Confession, and of the Church and State theory rested on it. He himself has suggested the method. Any other exposition, and any other Church and State theory deduced from it, would, he says, "make the Confession contradict itself, and the known views of its authors and of the Church of Scotland at the time when it was adopted." Most cordially do I approve of bringing the question between us to this touchstone. I had this specially in view, and was preparing for doing it, in penning my Third Chapter. Passing for the present whether any other interpretation "makes the Confession contradict itself;" reserving also the "known views of its authors" for a subsequent Chapter, I shall here devote a page or two to a comparison of the Principal's interpretation and theory with "the known views of the Church of Scotland at the time when the Confession was adopted."

At that time, the Church of Scotland held that it alone in Scotland had the true religion, and that no other Church was to be suffered in the land. In the National Covenant, solemnly renewed at the beginning of the Westminster era, the Church of Scotland said that there was "no other face of Kirk, nor other face of religion, than was presently at that time, by the favour of God, established within this realm." It said the same substantially in the Solemn League and Covenant, and in many other documents which need not here be named. Every other Kirk and religion was laid under ban, and strictly forbidden in the land. And when the Sectaries, headed by the Independents, at length dared to show face, and tried to break down this anti-Christian exclusivism and tyranny, the General Assembly which adopted

the Confession publicly testified against "Independency, and what is falsely called liberty of conscience;" and inculcated on the civil magistrate that he ought "to suppress, by corporal or civil punishments, those who made and fomented such sects and schisms." This makes certain the meaning of the Confession when it says, "The civil magistrate hath authority, and it is his duty, to take order, that unity and peace be preserved in the Church." On the fair interpretation of these Standard words, the "known views of the Church of Scotland at the time of adopting them," ought to end all controversy; and the meaning of the words being settled, the persecuting character of the doctrine which they teach is unquestionable.

At that time, the Church of Scotland held it to be the right and duty of the civil magistrate, in friendly alliance with itself, to prescribe the faith and worship of the subjects of the realm. In the National Covenant, it said that the religion which Kirk and King accorded in pronouncing the true religion, "all within the realm are, by manifold Acts of Parliament, bound to profess, to subscribe the articles thereof, Confession of Faith, and to recant all doctrine and errors repugnant to any of the said articles." It said the same, in effect, in the Solemn League and Covenant, and in many other documents. It said the same, in effect, in supplicating the civil magistrate to approve and establish the Directory for Worship, "adding the authority of Parliament to the Act of the General Assembly approving of the Directory, and ordaining the same to have the strength and force of a law:" the consequence being, that all worship contrary to the Directory would be unlawful and punishable. It said the same, in effect, in supplicating the civil magistrate to ratify the Catechism and the Confession of Faith; which the Estates of Parliament did, "ordaining them to be recorded,

published, and practised :” “practised,” be it observed, by all the lieges ; disobedience to which ordinance would be criminal and punishable. These things, again, make certain the meaning of the Confession when it says, “The civil magistrate hath authority, and it is his duty, to take order, . . . that the truth of God be kept pure and entire, . . . all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed :” “duly settled” by Acts of Parliament ; “duly administered,” by Church-officers ; and “duly observed” by all the subjects of the realm. On the fair interpretation of these Standard words, “the known views of the Church of Scotland at the time of their adoption” are a commentary which ought to end all controversy ; and the meaning of the words being settled, the persecuting character of the doctrine which they teach is unquestionable.

And there is another thing which is equally unquestionable. It is this : to make the power which the Confession gives the civil magistrate, in regard to religion and the Church, power not *in* sacred things, but *about* them, is not to expound the Confession, but to deny it. I said so a goodly number of years ago, hinting how inept this distinction of *in* and *about* religion is for the purpose of the defenders of the Confession, and that, if they were wise, they should not “parade” it as they do. The hint, kindly meant, was not kindly taken. The inept distinction is still paraded ; and I have now to ask those who parade it, Do you really mean that power to prescribe to men what they are to believe, and how they are to worship, is power *about* religion, and not *in* it ? Does the Lord of religion Himself exercise any higher power *in* it than when He says to us, Thus and thus shall ye believe, and thus and thus shall ye worship ?

At the time referred to, the Church of Scotland held that

dissenters from it were erroneous, heretical, and schismatic ; and not only so, but disloyal and seditious,—altogether pestilent fellows, who must be stamped out, if either Church or State was to be safe. It said in the National Covenant, and repeated it in substance in manifold other documents, “Seeing the cause of God’s true religion and His Highness’s authority are so joined, as the hurt of the one is common to both ; that none shall be reputed as loyal and faithful subjects to our Sovereign Lord, or his authority, but be punishable as rebellers and gainstanders of the same, who shall not give their confession and make their profession of the said true religion.” With this Covenant was incorporated the Scottish Coronation Oath, which the Church of Scotland cordially approved, and which Douglas administered to Charles II. in the melancholy farce acted at Scone on January 1, 1651. In swearing this oath, the sovereigns bound themselves to be “careful to root out of their empire all heretics and enemies to the true worship of God, who shall be convicted by the true Kirk of God of the foresaid crimes.” All this, again, makes certain the meaning of the Confession when it says, “The civil magistrate hath authority, and it is his duty, to take order, . . . that the truth of God be kept pure and entire, and all blasphemies and heresies suppressed.” On the fair interpretation of these Standard words, the “known views of the Church of Scotland at the time of their adoption,” ought to end all controversy ; and the meaning of the words being settled, the persecuting character of the doctrine which they teach is unquestionable.

Once more here, at the time referred to, the Church of Scotland held that the civil magistrate ought to sanction its sentences, making them his own, and giving them the strength and force of laws. The reader will find the necessary documents on this head in the Standard extracts (pp. 33, 34) ;

and I once more repeat, that they make certain the meaning of the Confession when it says, "The civil magistrate hath authority, and it is his duty, to take order, . . . that all the ordinances of God be duly . . . observed:" the omission or misobservance of which "ordinances" incurred Church censures. On the fair interpretation of these Standard words, I once more repeat, "the known views of the Church of Scotland at the time of their adoption" are a commentary which ought to end all controversy; and the meaning of the words being settled, the persecuting character of the doctrine which they teach is unquestionable. Moreover, this sanctioning and enforcing of Church sentences by the civil magistrate brings his authority *into* religion, making it "the sphere or subject of his jurisdiction;" thus refuting the explanation which Principal Cunningham imposes on the Confession, and exploding the Church and State theory which he builds on that explanation. Not only so, but this annexing of civil sanctions to Christ's laws, and to the spiritual sentences of His Church, in applying those laws, implies an impious usurpation of the prerogatives of Christ, making the civil magistrate a sort of Pope, and assimilating him to "that man of sin, . . . the son of perdition; who opposeth and exalteth himself above all that is called God, or that is worshipped; so that he as God sitteth in the temple of God, showing himself that he is God." So said Bishop Hoadly; and whoever thinks he can, let him refute the Bishop:—

"If any man upon earth have a right to add to the sanctions of Christ's laws,—that is, to increase the number or alter the nature of the rewards and punishments of His subjects, in matters of conscience or salvation,—THEY ARE SO FAR KINGS IN HIS STEAD, AND REIGN IN THEIR OWN KINGDOMS, AND NOT IN HIS. TO ANNEX SANCTIONS TO LAWS IS

AS MUCH AN ACT OF REGAL POWER AS TO MAKE THE LAWS THEMSELVES. TO ADD NEW SANCTIONS IS THE SAME THING. WHOEVER ANNEXES OR ADDS SANCTIONS IS SO FAR KING; BECAUSE HE DOES AN ACT OF REGAL POWER. If the King of France has a right to add sanctions to any of the laws of England, for the use of the subjects of England, he is so far King of England, and so far England is his kingdom, because he so far governs the subjects of England. If any men upon earth have this right, then they are of right so far kings in Christ's stead, because He has no part in adding those sanctions, which they add of themselves; and there they reign, in adding those sanctions, so far, in their own kingdom; because it is their own kingdom as far as they act a regal part in it, as much as the subjects of England would be so far subjects to the King of France if they were bound by the sanctions which he should add to the laws of England over and above what the legislative authority of England had annexed to them."*

On the civil magistrate's "taking order, that all the ordinances of God be duly observed" by his subjects, by enforcing the sentences of Church-officers in the administration of these ordinances, I write the more solicitously, because it was at the root of all the persecution which, for so many centuries, turned Christendom into an Aceldama, and which has not by any means yet altogether ceased. "The way of requiring the sanction of civil authority unto ecclesiastical orders and determinations began with the use of general councils in the days of Constantine; and when once it was so far engaged in, and approved of, that whatever was determined in the synods, either as to doctrine or the rule of the Church, should be confirmed by imperial authority, with penalties on all that should gainsay such

* *Sermon before the King, March 31, 1717.*

determinations ;—it is deplorable to think what mutual havock was made among Christians, upon the various sentiments of synods and emperors.”*

In the Westminster age, and on the pretext of the civil magistrate doing homage to Christ, the same nefarious policy was pursued in Britain. The English Presbyterians, as Baxter deplores, zealously upheld it; and so did also the Scotch. Writing of the former, he says, “I disliked the course of some of the more rigid of them, that drew too near the way of Prelacy, by grasping at a kind of secular power; not using it themselves, but binding the magistrates to confiscate or imprison men, merely because they were excommunicated; and so corrupting the true discipline of the Church, and turning the communion of saints into the communion of the multitude, that must keep in the Church against their wills, for fear of being undone in the world. Whereas a man whose conscience cannot feel a just excommunication, unless it be backed with confiscation or imprisonment, is no fitter to be a member of a Christian Church, than a corpse is to be a member of a corporation. They corrupt the discipline of Christ by mixing it with secular force; and they reproach the keys, or ministerial power, as if it were not worth a straw unless the magistrate’s sword enforce it; and worst of all, they corrupt the Church by forcing in the rabble of the unfit and unwilling, and thereby tempt many godly Christians to schisms and dangerous separations. Till magistrates keep the sword themselves, and learn to deny it to every angry clergyman that would do his own work by it, and leave them to their own weapons—the Word and spiritual keys; *et valeant quantum valere possunt*; the Church shall never have unity and peace.”†

* Dr. OWEN’S *Inquiry*.

† BAXTER’S *Own Life*, ii. 142, 143.

But there is a yet easier method of ending all strife about the true meaning of this twenty-third Chapter of the Confession; and Principal Cunningham has done more than support it; he has adopted it. He finishes the discussion which I am examining by adopting it; though I can imagine nothing that could more completely disprove all his previous reasoning, so far at least as the question more immediately between him and me is concerned. He says:—

“But by far the most direct and satisfactory illustration of the meaning intended to be put upon the twenty-third Chapter of the Confession by those who originally adopted it as the standard of the Church’s doctrine, is to be found in the ‘Hundred and Eleven Propositions concerning the ministry and government of the Church,’ published, and virtually, though not formally, sanctioned by the Assembly of the Church of Scotland of 1647, the same Assembly which adopted the Confession. Baillie and Gillespie had been appointed to prepare these Propositions as a testimony against the ‘errors of Erastianism, Independency, and what is falsely called liberty of conscience.’ They were prepared by Gillespie, and were submitted to the Assembly of 1647, for the purpose, and with the expectation of their being adopted as a public testimony upon these subjects. The Assembly had not time fully and carefully to examine them; but having approved of the substance of them, comprehended in eight Propositions, ordered them to be printed, that the Church, and especially the theological faculties, might carefully examine them before next Assembly. The disputes about the Engagement prevented the matter from being resumed in the Assembly of 1648; but as they were intended and expected by Gillespie to be adopted by the Assembly, they furnish the most satisfactory evidence of what he at least understood to be the general mind of the Church.

This important document, though beyond all question the best evidence as to the meaning of the Confession, except the Confession itself, seems to have escaped the researches of Lord Medwyn," etc.*

The Principal next quotes ten of the famous "Hundred and Eleven Propositions;" but one of the ten will suffice for my purpose. It is No. 41, and runs thus:—

"The orthodox Churches believe, and do willingly acknowledge, that every lawful magistrate, being by God Himself constituted the keeper and defender of both tables of the law, may and ought first and chiefly to take care of God's glory, and (ACCORDING TO HIS PLACE, OR IN HIS MANNER AND WAY) to preserve religion when pure, and to restore it when decayed and corrupted: and also to provide a learned and godly ministry, schools also and synods, as likewise to restrain and punish as well atheists, blasphemers, heretics, and schismatics, as the violators of justice and public peace."†

This "document," "BEYOND ALL QUESTION THE BEST EVIDENCE AS TO THE MEANING OF THE CONFESSION, EXCEPT THE CONFESSION ITSELF," the Principal produces as evidence of the meaning which *he* had put on the Confession in the article which he was drawing to a close. How he could do this surpasses, I confess, my comprehension. I closed my first Chapter with these words from his pen: "No man has a right to dictate or prescribe authoritatively to another in matters of religion—it is unwarrantable and unlawful to inflict temporal punishments merely on account of errors in religious opinion—and, of course, it is robbery to take away men's property, and murder to take away their lives, merely on this ground." This is his just and indignant account of persecution; and I have noticed how consistently he adheres to this

* *Discussions on Church Principles*, 231.

† *Ibid.*, 232, 233.

account of it throughout his writings. "The Reformers maintained some great errors upon this general subject (the civil magistrate and religion); . . . they approved of intolerance and persecution upon religious grounds," etc. "We admit that they held erroneous views upon the subject of toleration, and ascribed to the civil magistrate a power of punishing upon religious grounds, which is now universally rejected by Protestants," etc. "Secondly, they (civil rulers in seeking to discharge their duty in regard to religion) must not inflict upon men civil pains and penalties—fines, imprisonment, or death—merely on account of differences of opinion upon religious subjects. . . . What is shut out by the second of these principles is intolerance or persecution; and it is precluded or rendered unlawful by the want of any Scriptural sanction for it—by God's exclusive lordship over the conscience,—and by the natural rights and liberties which He has conferred upon men."* The author of such sentences as this bringing into court Gillespie's Proposition, No. 41, to settle the true meaning of the twenty-third Chapter of the Confession of Faith, and to show that its teaching is on the side of toleration and religious liberty! I know nothing to match this among all the curiosities of controversy.

"The civil magistrate may and ought to restrain and punish as well atheists, blasphemers, heretics, and schismatics, as the violators of justice and public peace." What is this but the principle of all magisterial persecution? It could not be more plainly expressed. It has never been more plainly expressed in any of the writs of the Scarlet Woman, "drunken with the blood of the saints, and with the blood of the martyrs of Jesus." And the words expressing it are, Principal Cunningham asserts, "evidence sufficient as to the meaning which the Confession of Faith truly

* *Historical Theology*, ii. 260-262.

bears, and which was intended to be put upon it by those who framed and adopted it !”

“The magistrate may and ought to restrain and punish atheists.” If so, let our Bradlaughs, and Holyoakes, and Owens beware ! Ay, let Voluntaries like myself beware ! Faithful witness-bearing has constrained loving brethren to denounce our distinctive principles as atheistic. For many a year they have been indoctrinating the civil magistrate into the belief that we are constructive atheists ; the class, of course, specially intended in the Proposition ; for, as Lord Bacon said, “a contemplative atheist is a prodigy, a thing unusually rare.” And if the Confession, as explained by the Proposition, is still the law of the land, our doom is ordained to be death by Act 11 of King William, Parl. 1695 !

“The magistrate may and ought to restrain and punish blasphemies.” Let all profane talkers, who speak reproachfully of the Most High, “setting their mouth against the heavens,” beware ! Let many more beware ! If the civil magistrate is a Caiaphas, the more Christ-like any man is, the greater is his danger ; for Caiaphas pronounced Christ Himself a blasphemer, and worthy of death. If the civil magistrate is a Popish or a Protestant zealot, an Arminian or a Calvinistic zealot, let all who are of the contrary part look well after their heads ! Among such zealots there has been nothing more common than to bandy against one another the charge of blasphemy. And if the Confession, truly interpreted by Gillespie, is still the law of the land, by Cap. 21, Parl. 7, Car. II. the punishment of convicted blasphemers is death !

“The magistrate may and ought to restrain and punish heretics.” The victims multiply ! Let all beware, who “pertinaciously propagate or follow opinions contrary to the received fundamental doctrine of the Church ;” which doc-

trine is, in Scotland, contained in the thirty-three chapters of the Westminster Confession! All these are heretics, in the legal sense of the word. And if the Confession, as intended to be understood by those who framed and adopted it, is still the law of the land, they are liable to what I have not time or space to detail; beginning with some sweet and gentle admonition or warning by a sheriff, and rising through fines, scourging, imprisonment, and banishment, up to heading and hanging!

“The magistrate may and ought to restrain and punish schismatics.” Let those who separate from the Church which the civil magistrate establishes beware! They are all schismatics, in the legal sense of the word. Let Disestablished Churchmen as well as Voluntaries beware! They are schismatics as well as we; and to me it is a marvel to find one of them extracting this Forty-first Proposition from Gillespie’s Hundred and Eleven, for the purpose of deciding the meaning, and proving the tolerant and liberal principles of the Confession! Had he lived in the Westminster era; had he joined, much more led, in a disruption at all analogous to that which we have witnessed in our day; I should not have liked to take his place, and to face his liabilities. I should have dreaded, among other unpleasantnesses, those “corporal punishments” of which we read in the penal statutes in behalf of religion. And I would have been thankful if my tongue was not slit, and my right hand cut off, for the hard words I had spoken and written, whether to incite to, or to justify, the schism.

Here I must ask, Where now are all the fine distinctions of which Principal Cunningham had made so much in the body of this paper for the interpretation and the vindication of the Confession? They have disappeared in the light of “by far the most direct and satisfactory illustration of the

meaning" of the Confession ! The tail of Mr. Gillespie's Forty-first Proposition has rudely swept them all away ! And the sum of human knowledge has thereby suffered no great loss. Take the chief of them, and that which the other distinctions were invented to support. It is, that, though the civil magistrate has much to do for religion ; though he is bound, among other things, to "restrain and punish as well atheists, blasphemers, heretics, and schismatics, as the violators of justice and public peace," he yet has no jurisdiction in religion. This distinction, I must take leave to say, is not only baseless but absurd. It involves a contradiction. Punishing an offender is itself an act of jurisdiction. It supposes other acts, too, which are acts of jurisdiction. It supposes a law which the offender has broken ; and the making of a law is an act of jurisdiction. It supposes that the offender has been convicted of a breach of the law ; and the trial and conviction of a panel are acts of jurisdiction. Take from the tail of Gillespie's Proposition "heresy," one of the offences in matters of religion ; and take theft, one of the offences in matters of justice. Most undeniably, the making of a law against theft, the conviction of a person of the commission of theft, and the infliction of punishment upon him, are all acts of one having jurisdiction in matters of justice. And equally undeniable it is, that the making of a law against heresy, the conviction of a person of having fallen into heresy, and the infliction of punishment upon him, are all acts of one having jurisdiction in matters of religion. Indeed, if they were not so, they would not be magisterial acts at all. Jurisdiction is of the essence of a magistrate. Take the civil magistrate into a sphere where he has no jurisdiction : he is no magistrate in that sphere : he may do much in it for religion and the Church ; but whatever he may do, as Samuel Rutherford

most accurately says, he does it, "not according to his place as a magistrate, but according to his vocation as a saint and a Christian."

Principal Cunningham raises what he deems a strong presumption in favour of his interpretation of the Confession, by pleading that every other would "make the Confession contradict itself." "The twenty-third Chapter can be made to serve the purpose of our opponents only by its being shown that it contains principles inconsistent with these,—that is, that the Confession is inconsistent with itself. This, of course, is not to be presumed, but the reverse, and very strong evidence must be produced in order to establish it. If the twenty-third Chapter is susceptible, without straining, of a meaning consistent with those principles so clearly stated in other parts of the Confession, this, according to all the rules of sound interpretation, must be received as its true, real, and intended import. It is quite unwarrantable to impute inconsistency, especially to such a document as the Confession of Faith, if by any fair interpretation the inconsistency can be removed."*

All this is cordially granted: yet too much must not be made of it. The authors of the Confession were great and good men, but they were not infallible; and to presume that there is no self-contradiction in their work, would be virtually to ascribe infallibility to them. Truth alone is thoroughly consistent with itself; and defective, and much more erroneous conceptions of it, do most readily and surely betray themselves in the self-inconsistencies of writers. In detecting these in the compilers of the Confession, I only detect what is to be found in the first thinkers and writers of any age, Principal Cunningham himself not excepted. There are few Gamaliels at whose feet I could

* *Discussions on Church Principles*, 212.

sit so reverently and docilely as at his. Yet how flagrant is his inconsistency in this Discussion! He valiantly sets himself to vindicate the Confession from the charge of giving any countenance to the civil magistrate "either exercising Erastian control over the Church he favours, or inflicting persecution upon those whom he does not favour." He concludes with citing Gillespie and the General Assembly of 1647 to confirm his interpretation of the Confession; and, lo, their interpretation is directly in the teeth of his! They say that the Confession binds the magistrate to "punish heretics, schismatics," etc.: he says that to "punish men on the grounds of religion is to persecute them!"

More than this, Principal Cunningham admits that Gillespie, whom he adduces to clear the Confession of teaching persecuting principles, himself held such principles! "The writings of Gillespie and Rutherford have been appealed to by our opponents, as affording illustrations of the meaning of the twenty-third Chapter of the Confession, and testimonies against our principles; but nothing has been produced from them inconsistent with the interpretation we have given of the Confession, or with the leading principles we hold, as opposed to those which seem to be involved in the statements and conduct of our opponents. It is very easy to prove these propositions concerning the writings of Gillespie and Rutherford:—first, that in the general substance of their doctrines, and in many particular statements, they distinctly support the principles in regard to the proper relation of the civil and ecclesiastical authorities now held by the Church; and, secondly, that nothing has been produced from their writings inconsistent with the principles now held by the Church, except in so far as some of their statements seem to extend the magistrate's power *in civilibus circa sacra*,—that is, the exercise of his rightful jurisdiction over the persons

and property of men for promoting the interests of religion and the welfare of the Church,—TO A LENGTH WHICH WOULD NOW BE REGARDED AS INVOLVING PERSECUTION.”*

More than this still, Principal Cunningham framed the Act of the General Assembly of 1846, declaring that the Free Church “does not regard her Confession of Faith, or any portion thereof, when fairly interpreted, as favouring intolerance or persecution, or consider that her office-bearers, by subscribing it, profess any principles inconsistent with liberty of conscience and the right of private judgment.” And yet Principal Cunningham has written: “The power which John Knox and the old Confession ascribed to the civil magistrate, is also ascribed to him by the authors of our second Reformation and by the Westminster Confession. No one can deny that the Westminster Confession ascribes to the civil magistrate a right to a large measure of interference in regard to religious affairs, and imposes on him obligations with reference to all the matters which are comprehended within the ecclesiastical province; and every one acquainted with the writings of Gillespie and Rutherford must know that it is quite easy to produce from these statements about the power of the civil magistrate in regard to religion, as strong as any that ever proceeded from John Knox.”†

To this extract I crave special attention. Not a few, I suspect, in reading my second Chapter, will ask, Why revive this old, antiquated, forgotten stuff? Why disinter it, and present it so in its loathsomeness? Principal Cunningham gives the reason why. The stuff, though old, is not antiquated; and it must not be forgotten, if the question I am dealing with is to be answered aright. It has never been buried, and so needs not to be disinterred. John Knox

* *Discussions on Church Principles*, 230, 231.

† *Ibid.*, 263.

had true sons and successors in the authors of the Second Reformation : his principles and theirs, and those of the old Confession and the Westminster Confession, are identical. Only one extract more : "The principal error on the subject of the magistrate's power with respect to religion which retained a hold of the minds of the generality of Reformers, and perverted their sentiments and their conduct upon the whole of this subject, *was the notion of the right and duty of civil rulers to punish men, and even to inflict the punishment of death, on account of heresy and blasphemy.* . They admitted the general principle of the right of civil rulers to inflict pains and penalties on account of heresy and blasphemy, though they would have restricted the punishment of death to those who were doing extensive injury in leading others into the commission of these sins. Now, this was a notion which, though it had no solid foundation to rest upon, and was both erroneous and dangerous, was not altogether destitute of something like plausible countenance in some Scriptural statements, and especially in a natural enough misapplication of some considerations derived from the judicial law of Moses. The subject, indeed, is not free from difficulties ; and it is not to be wondered at, that the notion above stated should have retained some hold of the minds of the Reformers. The question continued to perplex the minds of theologians for several generations ; AND IT CANNOT BE DENIED THAT, DURING NEARLY THE WHOLE OF THE SEVENTEENTH CENTURY, PROTESTANT DIVINES IN GENERAL ASCRIBED, IN SPECULATION AT LEAST, TO CIVIL RULERS, A POWER OF INFLICTING PUNISHMENT ON ACCOUNT OF HERESY, WHICH IS NOW UNIVERSALLY REJECTED, EXCEPT BY THE ADHERENTS OF THE CHURCH OF ROME."*

When I look at these passages from the pen of the

* *Historical Theology*, ii. 566, 567.

Principal himself; when I compare them together; when I consider their flagrant inconsistency with the Discussion I have been examining, one object of which is to prove the perfect consistency of the twenty-third Chapter of the Confession with religious liberty, as now rightly understood by all but Romanists; I have the less difficulty in admitting the much smaller measure of self-inconsistency in the compilers of the Confession. The true explanation in the case of both is this: both attempted an impossibility: the impossibility, viz., of making the power in religion which they ascribed to the civil magistrate and liberty of conscience to consist.

Principal Cunningham did not find Erastianism or persecution in this Chapter of the Confession; but he found Church Establishments in it. "The words do not necessarily or naturally mean more than that the civil magistrate is entitled and bound to aim at, and to seek to effect, the different objects here specified, which are all comprehended under the general heads, of the welfare of religion, and the purity and prosperity of the Church of Christ. This is just the principle of National Establishments, which we believe to be not only true, but important." As he otherwise puts it, it is the right and duty of the magistrate to make the good of religion and the Church "the object of his *care*," though not "the subject of his *jurisdiction*;" and this "is just the principle of National Establishments."

I must not turn aside to this question: *en passant*, however, I may be permitted to offer three strictures on this *ex-cathedra* assertion of the Principal.

First, It offends against common sense. That the civil magistrate ought to care for religion and the Church, is a principle common to the religious friends and foes of National Establishments. I hold the principle as firmly as

Principal Cunningham did. All Christian Voluntaries known to me do the same. They maintain honestly and earnestly that no place or station can release the Christian of his obligations to Christ; and that it is the duty of the Christian, when called to fill the office of the civil magistrate, to do all that he can for Christianity, consistent with its spirit and enactments. But they do not allow that this is "the principle of National Establishments," or "the essence of the Establishment principle," though "our highest ecclesiastical authority"* has said that it is so. Probably most of them are, like myself, of opinion that the principle of Church Establishments has not yet been ascertained, and, indeed, cannot be, till the sort of Establishment, of which the principle is wanted, has been defined. For example, the principle of a National Establishment, *without* toleration (the only Establishment which has any countenance in the Westminster Standards), and the principle of a National Establishment, *with* toleration, are so different, that no metaphysico-theological analysis can make them one; or extract from them an "essence," of which it could be truly said, That is the essence of both. And the same may be said of the principle of a Popish, or an Anglican, National Establishment, the one making the Pope and the other the King the Head of the Church; and of the principle of a Presbyterian National Establishment, making Christ the Church's only Head. If any body thinks that he can make the principles of these two sorts of Establishments one, or that he can devise a form of words that would be a common definition of the principles, or even of the "essence" of them, let him try the feat.

Second, The Principal's assertion offends against sound logic. Putting it in logical form, it stands thus: It is the

* *The Presbyterian*, for December, 1872, 52-56.

duty of the civil magistrate to care for the interests of religion and the Church ; therefore, it is his duty to set up and maintain a National Establishment ; selecting a Church, ratifying its creed, worship, and government, endowing it out of the national funds ; “adopting it,” in the dialect of Montrose, “into the constitution of the country, and attaching to it lots of privileges, from which other sections of the Church are excluded.” The conclusion is a *non sequitur*. The argument is a sophism. It is the same sort of sophism which the Protectionists dealt in, when they said : It is the duty of the civil magistrate to care for the interests of trade ; therefore, it is his duty to give us a monopoly of the trade of the country, that it may not perish in the hands of unauthorised, voluntary adventurers. The country has learned the sophistry of this reasoning ; and experience has proved that the best way in which the magistrate can care for trade, is to loose it from the death-bands of monopoly, and let it go free. The country is fast learning the sophistry of the same reasoning, in its application to religion and the Church ; and experience, when tried, will in like manner prove, that the best way in which the magistrate can care for religion and the Church, is to loose them from the death-bands wherewith National Establishments have bound them, and let them go free. The Free Church is itself already a signal and splendid proof of this very thing.

Third, The assertion offends against Christian charity. The principle of National Establishments is, that the civil magistrate ought to care for religion and the Church, and to seek their good. Of course, the principle of Voluntarism is, that the civil magistrate ought not to care for religion and the Church, and to seek their good. Shocking ! all pious weaklings at once cry out, turning up the white of their eyes ; and all time-servers forthwith swell the cry, as the craftsmen

of Ephesus did. And there is the same sort of pious fraud in other sophisms for National Establishments. A very common one of late has been, The principle of National Establishments is the Headship of Christ over the nations. Of course, it follows that the principle of Voluntarism is that Christ is not the Head of the nations, and that what Voluntaries are fighting for is to keep "the prince of this world" in that high place! When will such outrages on Christian charity cease! The weapons of the warfare of all such combatants are worse than "carnal!"

CHAPTER VI.

PERSECUTING PRINCIPLES OF THE LARGER CATECHISM.

THE most, though not the only, obnoxious passage of the Larger Catechism on the subject under discussion, occurs in the Answer to Question 109; and to it I shall confine myself. "What are the sins forbidden in the second commandment? The sins forbidden in the second commandment are, all devising, counselling, commanding, using, and any wise approving, any religious worship not instituted by God Himself; tolerating a false religion," etc. One of the sins, then, forbidden in the second commandment is, "tolerating a false religion;" directly contrary to one of the duties required in this commandment, viz., "the disapproving, detesting, opposing, all false worship; and, according to each one's place and calling, removing it, and all monuments of idolatry."

The "Scripture Proofs" explain the meaning of the Catechism to be, that "tolerating a false religion" is a sin on the part of the Church. It was for its intolerance of false Apostles that the Church of Ephesus was commended (Rev. ii. 2); and it was for having in their communion, or otherwise conniving at, Balaamites, Nicolaitans, etc., that the Churches of Pergamos and Thyatira were censured (Rev. ii. 14, 15, 20). But the Proofs further explain the Catechism to mean, that "tolerating a false religion" is a

sin of which civil rulers may be guilty, and which is specially forbidden them. Those pointing to them are, Deut. xiii. 6-12, Zech. xiii. 2, 3, and Rev. xvii. 12, 16, 17; a selection from the great array of "Scripture Proofs" by which the twentieth and the twenty-third Chapters of the Confession support the doctrine of the right and duty of the civil magistrate to persecute.

The Larger Catechism, then, teaches that it is a sin for the civil magistrate to tolerate a false religion in his dominions. In doing so, according to it, he violates a sacred duty; the most sacred duty of his office, as the authors of the Catechism doubtless regarded it. He sins against Him by whom "kings reign, and princes decree justice," and to whom they are amenable for the manner in which they execute the high trust committed to them. Let what this involves be distinctly realised. Contrary to the dictum quoted in a preceding Chapter, the civil magistrate ought to sustain himself a public judge of true and false religion, *i.e.*, a judge of it for the public. He ought to find out for the public "true religion," distinguishing it from "false," and, as Question 191 of the Catechism has it, to "countenance and maintain" it; the countenance and maintenance implying, among other things, that he ordains it to be received, professed, and practised by the lieges. "A false religion," on the other hand, he ought not to tolerate; and this implies at least three things: first, that religions differing from that which he, sustaining himself as a public judge, pronounces to be the "true" one, he, sustaining himself as a public judge, pronounces to be "false;" second, that a "false religion" he ought to forbid to his subjects; and, third, that those who disobey him, in this prohibition, he ought to punish, "executing judgment upon them, whether unto death, or to banishment, or to confiscation of goods, or to imprisonment."

Now, the question is, Can the civil magistrate do these things without persecuting? The answer is, He cannot : it is to persecution, to naked, regular, systematic persecution that this interpretation binds him. So says the venerable Principal Candlish ; and if I wanted an authority in support of my position, I could not get a better in Scotland, or even in Christendom. Two years ago he said : “ I was a party to the passing of the Act 1846, . . . and I was quite prepared then, with the light I had, to concur in the statement that, fairly interpreted, the Confession did not teach persecuting principles. But I concurred in the passing of that Act on the distinct understanding, to which Dr. Cunningham, who framed it, was a party, that it was meant to ease the consciences of those brethren who had doubts on the subject, or who even went the length of thinking that it does teach persecuting and intolerant principles. I did not think so then, and I am not prepared to say that I think so decidedly now. But I am prepared to say what it was that raised a doubt in my mind as regards the point whether the Confession does or does not teach persecuting principles ; and that was the discussion raised by my respected and beloved brother, Mr. Moody Stuart, in regard to the interpretation of that clause in the twenty-third Chapter about which he made so much, especially about the word *settled*. Because it appeared to me clear that if his view of the leading verb in that sentence, that the magistrate was bound to see to it that certain things were done, it would be far more conclusive in favour of persecution than in favour of the Establishment principle. That led me to entertain a doubt. I do not say I go beyond entertaining a doubt. But I say very distinctly that if I had to take, along with the Confession of Faith, as our brethren in the United Presbyterian Church have to do, the Larger Catechism,—I CANNOT HAVE

THE SHADOW OF A DOUBT THAT IT TEACHES PERSECUTING AND INTOLERANT PRINCIPLES. And I have great doubts whether the twentieth Chapter in the Confession does not teach persecuting and intolerant principles. At all events, of this one thing I am perfectly clear, that I could not, with my present doubts on the subject, remain in the Free Church of Scotland but for the shelter of the Act of 1846, which I was a party in passing, along with our late friend, Dr. Cunningham, and which was expressly intended to meet the scruples of conscientious brethren.”*

One word more about the persecuting doctrine which this Question of the Catechism teaches were altogether superfluous. I must, however, take the liberty of correcting a misconception that had possession of Principal Candlish's mind when he made this speech. Somehow, and strangely enough, he indulged the “devout imagination” that, in a trial of the Standards on the charge of teaching persecuting and intolerant principles, the Larger Catechism might be separated from the Confession; and that the verdict on the former ought to be, Guilty; while on the latter it ought to be, Not Proven. Only Not Proven, be it noted: in pleading for the Confession at the bar, he could not have ventured to ask a verdict of Not Guilty. But in indulging this imagination he forgot three things. He forgot the design with which the Catechism was prepared. It was not meant to make any addition to, much less any alteration on, the teaching of the Confession on any point whatsoever. The object of it was simply to present that teaching catechetically, with all the advantages which that form of instruction was supposed to possess. Again, he forgot the instructions under which the Committee which prepared the

* Speech of Dr. Candlish in the Debate on Union in the Free Church Presbytery of Edinburgh, 9th November, 1870.

Catechism acted. They were peremptory that it should be as exact a copy as possible, in its own form, of the doctrine of the Confession. "The Westminster Assembly," says Hetherington, and he quotes Baillie for it, "resolved to finish the Confession first, and then to construct the Catechism upon its model, so far at least as to have no proposition in the one which was not in the other; by which arrangement there would be left scarcely any ground for subsequent debate and delay."* Yet again, he forgot that the Committee's draft of the Catechism was revised by the Assembly, and approved of as entirely conformable to the instructions given.

When he takes these things into account, Principal Candlish will, I am sure, amend his verdict on the Confession of Faith. He has too much perspicacity, and candour, and magnanimity to hesitate about amending it. Since he is "without the shadow of a doubt" that the Larger Catechism teaches persecuting and intolerant principles, and since "there is no proposition in the Catechism which is not in the Confession," he cannot have "the shadow of a doubt" that the Confession teaches the same principles. Inexorable logic forbids that he should.

I have not met with any such formal attempt to defend the Catechism from the charge of favouring persecution, as M'Crie and Cunningham made to defend the Confession from the same charge. I am not aware of any such attempt having been made. One deterring reason may have been the extreme ticklishness of the task. The word *toleration*, used in the Catechism alone, is a most awkward one. The converse of toleration is persecution. To plead for Baal, is to plead against the true God: so, to plead against toleration, is to plead for persecution. If the civil magistrate may not

* *History of the Westminster Assembly*, 321.

“tolerate a false religion,” if this is a sin forbidden him in the second commandment; it follows, of course, that he must suppress a false religion; any false religion, and every false religion, that may try to get footing in his dominions. He has no alternative, if he would not sin. Then, about the magisterial way of suppressing a false religion there is no room for two opinions: the Standards, indeed, determine it. He must “call to account” the maintainers and abettors of the false religion, and “proceed against them by his power.” It is perhaps because all this is so very plain and evident, that it has received no direct answer; none, at least, that has come my way. But I have on my table the productions of three authors, who have treated more or less largely of religious toleration; and whose treatment of it would, I believe, be appealed to in defence of the Catechism, as readily as any thing that is in print. On each of these I shall offer a few strictures, which will embody everything further in this Chapter, which it seems to me needful to say.

The first of the three authors is good old John Brown of Haddington. “A Compend of the Letters of the Rev. John Brown, late Minister of the Gospel in Haddington, on Authoritative Toleration of Gross Heresy, Blasphemy, Idolatry, Popery in Britain, and on National Covenanting. In which the Doctrine of the Westminster Confession of Faith, relative to the Toleration of a False Religion, and the power of the Civil Magistrate about Sacred Matters; and the Nature, Origin, Ends, and Obligation of the National Covenant and Solemn League are candidly represented and defended,” is the title of his treatise. It is a stout defence of persecution; and is therefore, so far, a consistent and honest defence of the Westminster Standards. To answer any defence of persecution is now altogether *post horam*. If it were not so, one might have agreeable enough

exercise in "chopping logic" with this venerable father ; while turning the edge of his anti-toleration weapons against the toleration-friends of the Standards might afford some capital sport of its kind.

For example, to the objection, "God alone is the lawgiver and Lord of men's conscience," he answers, "The law of God, not men's conscience, is their infallible rule. This law binds conscience, and whatever men do contrary to this law, is sinful, let their conscience approve as much as they will. To pretend that the law of God, not in itself, but as understood by men's conscience, is their rule, is absurd." Granted : the rule which men ought to follow is the law of God ; but if it is to be followed as a rule, it must be understood ; and surely it is not quite self-evident that it is to be followed, not as it is understood by men's own conscience, but as it is understood by the magistrate ! Again, to the objection, "Every man hath a natural right to judge for himself, what he ought to do or forbear, especially in religion," he answers, "Men have a natural right to judge for themselves, but they have no right to judge wrong ; no right to call evil good, and good evil ; no right to worship and serve the creature more than the Creator who is blessed for ever." Granted : but when a peaceable subject has exercised his natural right to judge for himself in religion, surely it is not quite self-evident that the magistrate has any right to say to him, You have judged wrong : you are calling error truth, and evil good, etc. ; and I must restrain and punish you ! Again, to the objection, "Men ought not to be forced into faith and holiness. Corruptions cannot be rooted out of the lives of men, unless they be first rooted out of their hearts," he answers, "It requires no small share of ignorance and fraud, to insinuate that the many thousands of Protestant advocates for the power of the magistrate to restrain heresy

and idolatry, plead for the forcing of men to faith and holiness, when they so harmoniously plead for the contrary." But surely it is not quite self-evident that the magistrate's punishing men for what *he* calls heresy and sin, is not all the forcing of them to what *he* calls faith and holiness, which the magistrate can employ; just as his punishing a thief is all the forcing of him to live honestly, which he can employ! Once more, to the objection, "All civil laws establishing revealed religion must necessarily issue in persecution," he answers, "Evil doers reckon restraints of iniquity PERSECUTION, but the Scripture allows nothing to be PERSECUTION, but unjust severities exercised against the profession and practice of Gospel truth. 'Blessed are they who are persecuted for righteousness' sake.' And punishment of men for what is plainly contrary to the Word of God, is no persecution for conscience' sake, but a proper correction of them, for trampling upon, and murdering their conscience." But surely it is not quite self-evident that those who modestly claim for themselves a monopoly of the true religion, have therefore any just title to claim for themselves a monopoly of the honour of persecution! But, as I have said, the day has gone by for passages at arms about such matters as these: the country has long ago finally made up its mind upon them.

The toleration against which Mr. Brown wrote, and which he held to be a sin forbidden in the second commandment, was not a mere negative thing. It was not a mere conniving, or winking, on the part of the civil magistrate at heretics and other such offenders in religion. "A mere forbearance," he says, "to punish what is contrary to law, is in some cases necessary, and gives no positive encouragement to wickedness." The toleration which he inveighed against was "a POSITIVE OR AUTHORITATIVE toleration," which, said he,

“proclaims a liberty to sin. The true religion needs no toleration, and a false one ought never to be established by a law, for Christian magistrates have no power against the truth, but for the truth.” In such a toleration, the civil magistrate “grants to all his subjects a legal license to revile the perfections, the Word, and works of God, . . . and promises them all civil protection” in doing so, “if they be good subjects to him, and do not injure the persons and property of their fellow-subjects.” “Authoritative tolerations are solemn proclamations issued forth by the deputies of God, bearing that the emissaries of Satan have full liberty granted them to cast forth their floods of error, to the dishonour of God, and the temporal and eternal destruction of men.”

Need I say that there is an utter fallacy running through all this? It represents toleration as a license, and therefore so far an approval, of all false religions which men may choose to follow. This is an entire misrepresentation. Toleration does not imply license or approval of what is tolerated. The Imperial Dictionary defines the word thus: “The act of tolerating; the allowance of that which is not wholly approved; appropriately, the allowance of religious opinions and modes of worship in a State, when contrary to or different from those of the established Church or belief.” And Toleration Acts do not go an hair-breadth beyond the meaning of the word. They do not stamp with approval the erroneous and corrupt faith and worship which men may profess and practise under the shadow of them. All that they approve of is simply this: men exercising their natural right to believe and worship as their consciences dictate, provided that in doing so they do not injure their neighbours, or disturb the public peace. During the long reign of intolerance, it denied men this right: when tolerance

brought forth legal toleration, it acknowledged the right to be men's birthright, and restored it to them : it pledged the power of the State to protect them in the exercise of it ; and it exempted them from the penalties for the exercise of it to which an iron tyranny had previously made them liable.

An apt illustration of this may be drawn from the Sumptuary Laws. These were meant to restrain luxury. Experience having proved the folly of attempting to regulate by law men's eating and drinking and dressing, the Sumptuary Laws were abolished. Did this license luxury ? Certainly not. Who ever dreamed that it did ? It only left men to their natural liberty in eating and drinking and dressing. The glutton, the drunkard, and the fop may and do abuse this liberty ; but the guilt and shame of the abuse lie entirely at their own door ; and they would only be laughed at, if they were absurd enough to plead that the abolition of the Sumptuary Laws licensed the abuse. And precisely so is it with religious toleration. It only recognises our inalienable right to believe and worship as our consciences dictate, if we are not thereby hurtful to civil society. It gives no shadow of sanction to the abuses which men may commit in exercising this right ; and the guilt and shame of these they must take wholly to themselves.

Having corrected Mr. Brown's fallacy, I have three things to say of his negative and positive, his authoritative and non-authoritative toleration. First, This distinction is not in the Standards. It has no countenance there. It is gratuitously imposed on them. Second, It is not positive or authoritative toleration alone that the Standards condemn. It is rather toleration in its negative form ; the "mere forbearance to punish," which is allowed to be "in some cases necessary," and is pleaded for as harmless. This was the toleration which the Scottish Reformers from the first had so

zealously opposed; which they had, in the First Book of Discipline, described as a "permitting," a "negligent suffering," of the abominations of religious offenders, when God had armed their Honours, the Lords of the Council, with power to suppress them. This was the toleration against which Edwards published his *Gangræna*, describing it in "the epistle dedicatory" thereof, as "a connivance at, and suffering without punishment, false doctrines and disorders," and as "not an owning of heresies" by the higher powers, "who had put out several orders against them," but "a strange unheard-of suffering of them," as there had hardly ever been the like of. And this, doubtless, was the toleration which the Westminster Divines had chiefly, if not exclusively, in their eye, when they pronounced it a sin forbidden in the second commandment. Third, Negative, non-authoritative toleration would not be worth the having. It would be nothing more or better than forbearance to punish dissent, exercised according to the arbitrary will of civil magistrates; and now given, and then withdrawn, according to their disposition and caprice, and the character of the times in which they lived and reigned. John Brown of Haddington had reason to bless himself that he enjoyed securely what was unspeakably more valuable: even that POSITIVE or AUTHORITATIVE toleration against which he uttered the blast of these Letters.

Now what comes of all this, so far as the Haddington Letters are concerned? Every thing comes of it that I could desire. The Letters explain the Catechism by correcting it; substituting for the *tolerating* of a false religion the legal *licensing* of it, the legal *authorising* of men to abuse the right of worshipping God in the way which they judge agreeable to His will, by going into all manner of heresies and blasphemies, however horrible and monstrous.

The Letters, besides, shirk the question which they ought to have faced, if they were to be accepted as any defence of the Standards. They set the craven example which Dr. M'Crie afterwards followed. To prove that the twentieth Chapter of the Confession does not warrant the magistrate to punish men on religious grounds AT ALL, the Doctor conveniently contented himself with proving that said Chapter does not warrant the magistrate to punish men on religious grounds SIMPLY! So, in the century before, to prove that refusing toleration to a false religion is not intolerance, Mr. Brown had conveniently contented himself with proving that the legal licensing of a false religion is sin! The charge which they pretended to be repelling neither of them looked in the face; and both left the Confession and Catechism as open to assault as ever.

The Letters, moreover, confirm the charge by the defence of persecution which they offer. They claim, as I have said, a monopoly of the honour of persecution to those who are modest enough to claim that they have a monopoly of the true religion; and all pains and penalties inflicted on others for differing from them in religion, they make to be "no persecution for conscience' sake, but a proper correction of them for trampling upon and murdering their conscience!" Mr. Brown was in hearty sympathy with that class, of whom Lord Macaulay says, "Objection was taken by some zealous Protestants to the mention made of the Roman Catholic religion. There was no such religion. There was an idolatrous apostacy, which the laws punished with the halter, and to which it did not become Christian men to give flattering titles." *

The second of the authors at whom I was to glance is Dr. Hetherington. In his History of the Westminster Assembly,

* *History of England*, ii. 119.

he often touches on religious toleration, and he devotes to it about ten consecutive pages of the work,* which, however, do not shed much light on the subject. He has, of course, a becoming abhorrence of the "sceptical principle," which reasons "that truth cannot be ascertained with certainty; and that, therefore, it is best to give equal toleration to all religions, lest a grievous mistake should be committed, and truth suppressed instead of error." This puts the scepticism a little too broadly. I am not sceptical whether "truth can be ascertained with certainty" by every right-hearted inquirer. But I am sceptical whether there is such a certainty of civil magistrates "ascertaining" it, as that it would be right and safe to entrust them with the power of doing so, for their subjects as well as for themselves, and of saying authoritatively to them, This is truth which we shall encourage, and which you shall profess; and that is error which we shall not tolerate, and which we shall punish you if you follow. And in my scepticism, as thus explained, I am not singular. History and experience very strongly support it; error and corruption owing far more to the favour of princes than truth and purity. "It is undoubtedly true, that in most cases the interference of the civil power in religious matters has done more evil than good." †

Dr. Hetherington takes for granted that the diffusion of religious truth is one of the functions of civil government; and the question, he says, which raises toleration is, Does the performance of this function "involve the direct suppression of error?" He appeals the question to the Word of God, and to the nature of conscience, and finds that it is "alike contrary to both, for man to attempt to promote truth by the compulsive suppression of error." Had he

* 352-362.

† Principal CUNNINGHAM, *Historical Theology*, i. 394.

stopped here, the finding would have been unexceptionable. Had he added, "when that error is not hurtful to the peace and order of civil society," such a clause would not have spoiled the finding. But he adds, "when that error does not obtrude itself on public view by open violation of God's commandments, and the just laws of the land;" and the finding, as thus qualified, decides nothing. Any and every avowed error in religion is an "open violation of God's commandments." Is any and every such error, then, to be visited with "compulsive suppression?" And as to "the just laws of the land," any "open violation" of them ought, of course, to be visited with "compulsive suppression;" but this leaves untouched what are "the just laws of the land" as regards religion; and till this is settled, no progress has been made in "loosing knots," or in "redding marches." Neither is any progress made in what follows in the page now before me, viz., by the distinction drawn between error which is to be extirpated, and erring men who are to be treated with all tenderness. This would be new work altogether to the civil power. It is not in the habit of distinguishing between evil-doers and their evil deeds, and setting itself to show all tenderness to the former and all severity to the latter. It has not yet discovered any way of punishing theft, except by punishing the thief; and unless a wiser than Solomon appear to reveal the secret, I have no hope of its discovering any way to punish errors in religion, except by punishing the erring men.

Dr. Hetherington thinks the Presbyterians and the Independents in the Westminster Assembly misunderstood one another on the subject of religious toleration; and he complains rather heavily of the Independents suspecting that the Presbyterians were for "the forcible suppression of all opinions that differed from their own." He can find no ex-

cuse for their not "better understanding both the principles and the practice of Presbyterian Churches." Had they not "often witnessed the interposition of the Scottish Divines on their behalf in the debates of the Assembly;" even when "they experienced sharper treatment and more pointed opposition from the English Presbyterians?" Verily, they were slow to learn! more especially when, after all their previous lessons in Presbyterian tolerance, their education was completed by both the Scotch and English Presbyterian Divines in the Assembly uniting in the vote, that they (the Independents) were not to be tolerated!

Above all, Had not the Independents "enjoyed in Holland, a Presbyterian country, the most complete and undisturbed toleration in religious matters?" I am not to write a history of Holland, in reply to a single sentence representing it as such a paradise, and such a school, of religious liberty. I shall only give two snatches of its history. When the Arminian controversy broke out in Holland, the Calvinists called their opponents "mamelukes, devils, and plagues;" instigated the magistrates to extirpate and destroy them; and from their pulpits cried out, "We must go through thick and thin, without fearing to stick in the mire: we know what Elijah did to Baal's priests." The old advocate, Barneveldt, who had been an ardent friend of the Arminians and their principles, was beheaded; and Grotius and Hoogerberts were, for the same sin, sentenced to perpetual imprisonment. The Synod of Dort having pronounced the Arminians guilty of pestilential errors, with which they had corrupted the true religion, this sentence was followed by the excommunication of them, the suppression of their religious assemblies, and the deprivation of their ministers. The States were besought to put this sentence in execution; and when they refused to obey both the Synod and the States, their doom was fines,

imprisonment, exile, and other cruelties and ignominies. When decree of banishment was passed against them, "though they only begged a respite for a few days, to put their affairs in order, and to provide themselves with a little money to support themselves and their families in their banishment, even this was unmercifully denied them, and they were hurried away next morning by four o'clock, as if they had been enemies to the religion and liberties of their country." *

Such was Holland in the first quarter of the seventeenth century! Such was its exemplary religious toleration, though the Independents, in their dulness, would not understand it, and deduce the legitimate inference from it! And what gratifying progress it had made in the humane and Christian policy of toleration before the close of the above-named century, my next snatch of history will show.

"As late as 1690, a Synod was held at Amsterdam, consisting partly of Dutch, and partly of French and English ministers who were driven to Holland by persecution, and in that Synod the doctrine that the magistrate has no right to crush heresy and idolatry by the civil power, was unanimously pronounced to be 'false, scandalous, and pernicious.' When Descartes went to Holland, the Reformed clergy directed against him all the force of their animosity, and the accusation by which they endeavoured to stir up the civil power against the author of the most sublime of all modern proofs of the existence of the Deity, was atheism." †

After the use which Dr. Hetherington made of Holland to stigmatise the memory of the Independents for distrusting

* MOSHEIM'S *Church History*, v. 10-16. CHANDLER'S *History of Persecution*, 305-311.

† LECKY'S *History of the Rise and Influence of Rationalism in Europe*, ii. 46, 47.

the tolerance of the Presbyterians, and dreading from them "the forcible suppression of all opinions that differed from their own;" the reader will be prepared for almost anything from the same pen, which ignorance and credulity might be thought capable of swallowing. And there is no lack of such things. Luther understood and advocated the great principle of religious toleration! So did Zuingle! So did Calvin! So did Knox! So did the Presbyterian Divines in the Westminster Assembly! The Presbyterian Church in Scotland, often as it suffered persecution, never, in its day of power, persecuted its enemies in return! The Toleration Act itself may be fairly regarded as one of the results of the Westminster Assembly, though few have been hitherto disposed to trace it to that illustrious source! Of one of these Dr. Hetherington says, "some will think this a strange assertion." More than "some" will think them all strange assertions: and they appear the stranger, when the light of the following sentences of the Doctor is turned upon them: "It is evident, that whether the Presbyterians really did understand and act upon the true principles of religious liberty or not, it cannot with truth be said, that the views of the Independents were in any respect more liberal and enlarged. For this we blame them not, but merely state the fact. Perhaps the exact truth is, that their opinions on the subject were nearly identical, all the difference between them being that of position and circumstance; and it may fairly be admitted, that the subject had not at that time received all the attention it deserved, and the elucidation of which it was capable."

There is "the exact truth" out at last. At the time of the Westminster Assembly, the subject of religious liberty was not thoroughly studied and elucidated. The true principles of it the Assembly Divines did not fully understand

and act upon. With Dr. Hetherington in this *ultimatum* of his I cordially agree ; and doing so, there are two points on which I am curious to have some information. First, if the Westminster Assembly did not fully understand the true principles of religious liberty, by what lucky accident did they produce Standards in such perfect harmony, as is alleged, with these principles ? Is there anything to match this in the history of the world ? Is there any other profound and intricate subject, is there any other subject at all, which any man or body of men have made luminous with a light which did not shine in their own minds ? And second, if the authors of the Standards confessedly did not fully understand the true principles of religious liberty, what title had Dr. Hetherington to tell any one, who should dare to impugn their work on this subject, that he would commit *felo de se* to make himself famous ?

The last of the three authors to whom I referred, is the Rev. A. Moody Stuart, minister of Free St. Luke's Church, Edinburgh. In his "On Toleration under a Settlement," in "A Contribution toward the Clearing of our Terms," he has favoured the public with some thoughts on the principles of the Standards in regard to religious liberty. Being meant for the clearing of our terms, his thoughts largely take the form of verbal criticism. He begins unpromisingly. "The important, complicated, and hopelessly difficult subject of *Toleration*," is his account of his theme. The difficulty of it, he explains, "is not so much in the words of the Confession, as in the subject itself, in the due limits of toleration, and in the utter hopelessness of defining them." If it were so, all debate on the subject must be useless : Mr. Moody Stuart's ten pages on it are labour lost ; and any thing which I may oppose to them will be the same. If the "defining of the due limits of toleration is utterly hopeless," equally hopeless

must be all attempts to settle whether the principles of the Standards are within or without those "due limits."

But toleration is not quite so unintelligible and undefinable as Mr. Moody Stuart represents it. He himself has in these pages given a pretty fair idea of it. For example, he cites Charles I. as thus describing it: "*Full liberty* for the ease of their consciences who will not communicate in that (Church) service, *established by law*, and likewise for the free and public use of the Directory to such as shall desire to use the same." He himself even ventures to break in on the mystery of its "essence," when he says, "These two, freedom from all compulsion to attend established ordinances, and liberty for dissentients to maintain their own, contain the essence of true toleration."

Accepting this idea of it, the only question with which I am now concerned is, Are the Westminster Standards *for* toleration, or *against* it? *For*, Mr. Moody Stuart contends; and the first thing he adduces in support of his contention is, "the noble foundation" for toleration "laid down" in the Confession, "that 'God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men in matters of faith and worship,'" which "must never be lost sight of in whatever follows, and must be held as qualifying the whole." Mr. Moody Stuart ought to have quoted the Confession accurately. It does not say that God, the sole Lord of the conscience, "hath left it free from the doctrines and commandments of men in matters of faith and worship." What it says is, that He "hath left the conscience free from the doctrines and commandments of men which are in any thing contrary to His Word, or beside it, in matters of faith and worship:" a very different statement in itself, and understood to be a very different statement by those who framed and adopted the Confession. What "in matters

of faith and worship" do men need toleration for from the civil magistrate? It is not for those opinions and practices which he and they concur in thinking to be agreeable to the Word of God. No : it is for those which *they* think agreeable to the Word, but which *he* thinks "contrary to it, or beside it." Now, does the Confession assert that, in that case, "God hath left the conscience free from the doctrines and commandments of men in matters of faith and worship?" Does it assert that He hath left it free, for example, from the magistrate's doctrines and commandments, when he makes such a book as the Confession the law of the land, and requires all his loving subjects to obey it? Certainly not. The Confession makes no such assertion. It would have stultified itself, and all responsible for it, if it had. Even the Toleration Act, as will be seen when it is reached, makes no such assertion. It does not release the subject from obligation to obey the magistrate in matters of faith and worship. It only exempts him from certain penalties for disobedience, when he thinks in his conscience that the magistrate's doctrines and commandments in matters of faith and worship are contrary to the Word of God, or beside it. This is the toleration secured for the first time by the Toleration Act ; and Mr. Moody Stuart might see that, if the Confession and all previous legislation had not been *against* this toleration, the Toleration Act would not have been needed, and could not have been passed. This is "the foundation laid down," immensely less "noble" than Mr. Moody Stuart took it to be ; and to all the benefit of the qualifying which it imposes on what follows, he is heartily welcome.

In regard to the twentieth and twenty-third Chapters of the Confession he does not take high ground. He contents himself with the modest assertion that in these Chapters

there is nothing against toleration. I have already met this, not only with the assertion, but with proof, that these Chapters do teach persecuting principles; and I shall say no more on them till some attempt is made to deal with my proof. And when it is dealt with, I should not like the Catechism to get the go-by, as Mr. Moody Stuart has given it the go-by. If there is any thing obscure or doubtful in the "Terms" about the civil magistrate "proceeding by his power" against the religious delinquents photographed in the twentieth Chapter, or in the "Terms" about his "taking order that all blasphemies and heresies be suppressed" in the twenty-third Chapter; there could not be a more authoritative and satisfactory clearing of them than the Catechism's teaching, that the civil magistrate's "tolerating a false religion is a sin forbidden in the second commandment."

Mr. Moody Stuart does, indeed, thus allude to the Catechism: "This Act of 1650, while repealing all old penalties for not attending Church, and imposing no new ones for any cause, enjoins Sabbath exercises of some kind, but gives perfect tolerance and absolute liberty as to their place and character; with the implied exception of Roman Catholic worship, to which, as to idolatry, toleration was not granted. (Larger Catechism, 109.)" But this allusion only makes it the more necessary that Mr. Moody Stuart should explain himself. Does he think that Queen Victoria ought not to tolerate the Roman Catholic worship in the United Kingdom? If he holds this worship to be idolatry, and if he applies to it the law which forbade the toleration of idolatry in Israel, does he think that the Queen ought to inflict the penalty of that law, which was death, on the many millions of her Roman Catholic subjects? And if not, why not?

But further: the Catechism forbids "tolerating a false

religion," meaning any false religion ; and Romanism is not the only false religion in the United Kingdom. The Reformers, in fact, took such a generous view of idolatry, as to make it virtually embrace all false religion. In the First Book of Discipline they explained it thus : " By *idolatry* we understand the mass, . . . and finally, all honouring of God not contained in His holy Word." Mr. Moody Stuart is too orthodox to differ from the First Book of Discipline. Does he, then, think that Queen Victoria ought not to tolerate in the United Kingdom *any* "honouring of God, not contained in His holy Word?" For example, I have no doubt that he looks on Unitarianism as "another gospel," and on its worship as idolatrous, the God whom it honours being unknown to the Bible. Does he hold that the Queen ought not to tolerate Unitarianism? that she ought to shut its chapels, to silence its ministers, and imprison its adherents, or banish them, or make a Protestant *auto da fe* of them? When Mr. Moody Stuart answers these questions there will be a clearing, which will make pretty apparent what are the principles of the Westminster Standards, and of their thick and thin defenders.

Mr. Moody Stuart's next proof that toleration is in the Confession, or at least not shut out of it, is, like the assertion to which I have just been adverting, very modest. It is that the framers of the Confession were not unanimous against toleration ! "Whatever," says he, "might be the desire of the more earnest Presbyterians to connect the establishment of the Church with the suppression of dissent, it is absolutely certain that this was not the unanimous mind of the Assembly ; for the Independents, with all who might agree with them on this point, opposed such a scheme," etc. The question here is, How stood the majority of the Westminster Assembly? Were they opposed to such a scheme?

Mr. Moody Stuart does not say that they were, and therefore says nothing to decide the question. And much that he says here had been better unsaid. He assumes that the Independents were all zealous friends of toleration, who would have strenuously resisted any attempt to make the Confession give the remotest countenance to any intolerant principle. The assumption is notoriously false, and all that he builds on it is baseless. Neither Presbyterians nor Independents were yet friends of toleration. If there was any difference between the two, it was only one of degree. The Independents were for toleration to themselves, and to those who, like themselves, held the fundamentals of Christianity ; while the Presbyterians did not see their way to go quite so far. Neither of them yet apprehended, or if they did apprehend it, both of them cordially agreed in condemning, the true principle of toleration, viz., that all good and peaceable subjects are to be equally protected by the magistrate in exercising their right to worship God in the way which they judge agreeable to His will.

Simple, thorough-going, and intuitively evident in its truth and equity as this principle is, the Independents of the Westminster era rejected it. Their leading men in the Westminster Assembly, such as Goodwin, Bridges, and Burroughs, I could quote at almost any length repudiating and reprobating the principle ; and I could quote to the same effect from their authoritative documents, in that age, as a body. There is no shadow of presumption, then, that the Confession is on the side of toleration, because the Independent members of the Westminster Assembly assented to it. The presumption is all the other way. If the Confession were not against toleration, the Independents could not, in consistency with their principles, have approved of it. And some of them, who were a degree less intolerant than

"the zealous Presbyterians," did not give it their unqualified approval. If, as Mr. Moody Stuart avers, there is "no record of dissent or opposition to the twenty-third Chapter," there is what is equivalent to that in regard to the twentieth Chapter. "I find in my MS.," says Neal, "the dissent of several members against several passages in the chapter of liberty of conscience."*

The "suppression of dissent" not being in the Confession, or implied in it, "the advocates of intolerance," Mr. Moody Stuart proceeds to say, "added this in terms when they desired it, as in the Petition of the City of London to Parliament 'for settling of Church government, and suppressing of all sects without any toleration.'" How some men read history! If the City of London were "the advocates of intolerance," so were the Ministers of London, and so were the Westminster Assembly; for there is no more outstanding fact in the history of the period, than that these three parties were entirely at one in their principles, and in the policy which they wished to be pursued. And if the intolerance, "added in terms" in their Petition, had not been in substance in the Confession, would the City of London have broken with the other two parties, and impugned the completeness of the Confession, by making such an addition? But "the suppression, the forcible suppression of dissent" was in the Confession in substance, if not "in terms." It was in both the obnoxious Chapters of it. It was specially in the clause that it is "the magistrate's duty to take order that all blasphemies and heresies be suppressed." Dissenters were in those days all reckoned heretics: accordingly, the Independents are the first in the list of the sixteen classes to which Edwards, in his *Gangræna*, reduced the heretics of those times. Dissenters were also

* NEAL'S *Puritans*, iii. 321.

all reckoned schismatics: accordingly, the Presbyterians pronounced the separation of the Independents, and their setting up churches of their own, schism; which, they continually pleaded, they were bound by the Solemn League and Covenant to extirpate.

But the Confession must be cleared of intolerance if Mr. Moody Stuart can; and there yet remain two sentences of the exorcism, by which he drives it out. They are very mystical sentences; but they may therefore be all the more potent. "But the Article (Confession xxiii. 3) is the unanimous deliverance of the Assembly, including all opinions. If intolerance should be in it in the mind of the intolerant members, of which there is no proof, but the contrary, most certainly it is absolutely excluded on the part of the others; and in the expression of the united mind of all, it can have no place whatever, either explicitly or by inference."

A truly wonderful Article this must be! According to Mr. Moody Stuart, the Westminster Assembly "included all opinions," tolerant and intolerant; and the Article is the "unanimous deliverance" of the Assembly. This, if true, infallibly decides the principles of the Article. Unfortunately for Mr. Moody Stuart, they cannot be tolerant principles. If they were such, the intolerant members of the Assembly could not have adopted them. It is not for a moment to be supposed that they would be unanimous against their own views! Neither can the principles of the Article be intolerant. If they were such, the tolerant members of the Assembly could not have adopted them. It is not for a moment to be supposed that they, any more than the opposite party, would be unanimous against their own views! The inevitable conclusion is, that the principles of the Article are neither tolerant nor intolerant. The

Assembly, if composed of tolerants and intolerants, if the members of it differed on toleration, could come to an "unanimous deliverance" on the subject only by sinking their difference. It could have no place "in the expression of their united mind." Had the difference had a place there, the deliverance would not have been "the expression of their united mind."

Mr. Moody Stuart overdoes the exorcising of the Article of the Confession. He casts intolerance out of it; but he casts tolerance out of it at the same time. He makes it a bit of Negative Theology, having no principles on the authority and duty of the civil magistrate in relation to religion and the Church! I do not mean that he intended this. I do not mean that he knew what he was doing. But he might have suspected that he was out of his course, when he felt himself waxing so very preposterous. He is preposterous enough to say, that "there is proof that there was no intolerance in the minds of the intolerant members of the Assembly!" an assertion about as self-contradictory and astounding, as if one of our *savans* were to declare that there is no water in the ocean! And, again, he is preposterous enough to say, that "if intolerance was in the mind of the intolerant members of the Assembly, most certainly it was absolutely excluded on the part of the others," *i.e.*, "the Independents, with all who might agree with them on this point" of toleration! which "others," first, were certainly a very small minority in the Assembly; second, had certainly no power to exclude intolerance from the Assembly, or from any of its deliverances; and, third, did certainly not themselves hold tolerant opinions, as these are now understood. The tolerant party in the Westminster Assembly, of which Mr. Moody Stuart tries to make so much, is, as I have said already, a pure myth.

Mr. Moody Stuart casts intolerance out of the Parliament at that time, as well as out of the Westminster Assembly. "This evidence," he says of what I last quoted from him, "stands in no need of confirmation, but must be held as complete in itself; yet it is amply corroborated by what took place in the Parliament." The amplitude of the corroboration is made out in this way. The Parliament is credited with the toleration which Cromwell established by statute in 1650! as also with the toleration which for years before he had "preached at the point of the sword!" And the corroboration in these is fortified by the motions which the Lords and Commons voted in 1647, and which I have given in pages 81-3! Small and temporary was all the toleration that was in those motions; and it was in them, not from principle, but from policy. It amounted to freeing from penalty those who could not conform to the Presbyterian worship and government, established for three years; and Parliament did this, in the wish and hope that, by the end of those years, Charles's words to the Scots would be fulfilled: "I do by no means persuade you to do any thing contrary to your Covenant, but . . . I desire that the liberty of my own conscience, and those who are of the same opinion with myself, may be preserved, which, I confess, does not as yet totally take away Episcopal government. . . . And this that I demand is likely to be but temporary; for if it be so clear as you believe, that Episcopacy is unlawful, I doubt not but God will so enlighten my eyes, that I shall soon perceive it, and then I promise to concur with you fully in matters of religion." *

But on these things I need not enlarge, Mr. Moody Stuart having by anticipation, in a preceding page, most effectually answered himself here. "We admit," says he,

* NEAL'S *Puritans*, iii. 300, 301.

“that both the previously prevailing views of all branches of the Christian Church, and the strong Hebrew theology which gave such depth and vigour of life to the Covenanters and Puritans, inspired the good men of the period with a spirit of severity toward those who differed from what they held to be the truth of God, even when the difference was not vital. Not only do their own writings express extreme sentiments on this subject; but some of the ordinances [ay, “some!” if there is a solitary exception among them *all*, let it be pointed out] of the Lords and Commons are framed with an iron severity, in which the only consolation is that they were never carried out in practice.” The closing assertion is denied; and the “consolation,” therefore, cannot be enjoyed. But though it could, the compliment that the practice of “the good men of the period” was better than their principles, is an admission of the truth of my charge against their principles. That they were intolerant or persecuting is indubitable; and to the historical testimonies to this effect in my third Chapter, I shall here add a few excerpts from Neal. Unnecessary and wearisome as they may be to others, it is too obvious that the Moody Stuart School is not above the need of them.

“Hitherto the army had acted in perfect subordination to the Parliament; but the war being over, and the King a prisoner, the great difficulty was to settle the nation upon such a foot as might content the several parties, or bring them at least to acquiesce: this was the rock on which they split, and which in the end proved the ruin of their cause. To give light to this affair it will be proper to consider the several views of the King, the Parliament, and the army.

“The royal party being broken, and the King a prisoner, his Majesty had no prospect of recovering his throne but by dividing his enemies, in order to the making the best terms

with them he could : the Presbyterians being in league with the Scots nation, were most numerous and powerful ; but that which rendered their agreement with the King impracticable, was his Majesty's zealous attachment to this point, that Episcopal government was essential to Christianity, and that he was bound by his coronation oath to maintain it ; whereas the others held themselves equally bound by their Solemn League and Covenant to abolish Episcopacy, and establish Presbytery in its room. Both parties were immovable, and therefore irreconcilable." The King could not agree with the army, because he could never forgive the officers who had destroyed his armies. "By which unhappy principle he lost his interest, both in the Parliament and army, and laid the foundation of his ruin.

"The Presbyterians were no less unhappy in an imagination, that as the majority of the House of Commons, with the city of London, and the whole Scots nation, were firmly attached to their interest, no opposition could stand before them, and therefore would abate nothing of their demands, nor hearken to any other terms of accommodation with the King, than those of the Covenant, which were the entire abolishing of Prelacy, and the establishing Presbyterian uniformity throughout both kingdoms, with an absolute extirpation of all sectaries whatsoever. This was not only an effectual bar to their union with the King, but awakened the jealousy of the army, who were thoroughly convinced, that when the Presbyterians were in the legal possession of their demands, they would exercise equal tyranny over the consciences of men with the bishops ; and indeed nothing less was to be expected, considering their steady adherence to the Covenant in all their treaties, their efforts in Parliament to get the power of the keys into their own hands, their frequent addresses for the suppressing of all sectaries by the civil

authority, and their declarations, both from the pulpit and press, against toleration and liberty of conscience. In all their treaties with the King, even to that in the Isle of Wight (except when the army was in possession of the cities of London and Westminster), this was one article of peace, 'That an effectual course be taken by Act of Parliament, and all other ways needful and expedient, for suppressing the opinions of the Independents, and all other sectaries.'

"The army consented that Presbytery should be the national religion, but insisted upon a toleration of all Christians in the enjoyment of all their civil and religious rights. This, says Lord Clarendon, was their great charter, and till they had obtained it by a legal settlement, they agreed not to lay down their arms: they had fought the Parliament battles, and therefore thought it unreasonable to be told openly, if they could not comply with the Presbyterian settlement, they must expect to be punished as sectaries, and driven out of the land. To avoid this, they treated separately with the King, both before and after they had him in their hands; and when they apprehended he did not deal sincerely with them, they made proposals to the Parliament to establish the Presbyterian discipline, with a toleration to all Protestants, without him; but when they found the Presbyterians, even in their last treaty with the King, in the year 1648, insisted upon the Presbyterian uniformity, without making the least provision for that liberty of conscience they had been contending for, they were exasperated and grew outrageous; they seized his Majesty's person a second time, and having purged the House of Commons in a most arbitrary manner, of all who were not disposed to their desperate measures, they blew up the whole constitution, and buried King, Parliament, and Presbytery, in its ruins." *

* NEAL'S *Puritans*, iii. 231-234.

So much for the question, whether the Westminster Standards are for or against toleration. There is another question, which Mr. Moody Stuart has so far mixed up with this one, on which I may touch, though it does not fall within the scope of my present inquiry. It is, whether "a settlement" (that is, a civil establishment of the Church, called "a settlement" in Mr. Moody Stuart's vocabulary ever since he made his famous discovery of Church Establishments in the magistrate's "duly settling all the ordinances of God") and toleration are compatible with one another. This is a question which cannot be answered without a better clearing of terms than has yet been made. The answer will depend on the sort of settlement meant, as also on the toleration meant, whether "partial or complete," as Paley distinguishes. If the settlement be of the kind which Mr. Moody Stuart has found in the Confession, it does not and cannot consist with toleration. It gives the magistrate "power to see" not only "that all the ordinances of God be duly settled," but also that they be "duly administered, and observed." If the magistrate exercise this "power," if, having seen, legislatively, "all the ordinances of God duly settled," he is to see, executively, all these "duly observed" by the lieges; toleration is, of course, excluded: the settlement "involves the forcible suppression of all dissent." But if the settlement be such as we now have in Scotland, it is a settlement "with a toleration:" the magistrate, who has seen to the settlement, has also seen to the toleration; legalising, not "the way of worship" of Dissenters, but their natural right to follow that way, if in so doing they do not injure their neighbours, or disturb the public peace.

This is the sort of settlement we are now living under; and it does surprise me that even Mr. Moody Stuart has fallen into the illusion that he has found this settlement in

the Confession. This is a settlement "with a toleration," to which the Westminster Divines were implacably opposed. It was for their resolute and obstinate opposition to it, when demanded "at the point of the sword," that the army, as Neal expresses it, "blew up the constitution, and burned King, Parliament, and Presbytery in its ruins." A settlement "with a toleration," in other words, a Church Establishment such as we now have, is not only not in the Confession, but was most emphatically pronounced against, and shut out of that venerable document by the compilers thereof. And parties, who have large expectations of property depending on their alleged descent from these men, though standing out for a settlement "with a toleration," had better jealously consult counsel on the validity of their claim to be served the true heirs and successors of men who would have scorned to own such apostates for sons.

I "hold conscientiously," so far as I know myself, "the simple principle of Church Establishments to be intolerant and persecuting." I do so for the reason for which I hold the settlement in the Confession to be intolerant and persecuting. "The principle," I grant, may be so worked as not "forcibly to suppress all dissent." But it cannot be worked without forcibly taxing dissent for the cost of the Church established; and to force a Dissenter to support with his property a Church of which his conscience forbids him to be a member, is as truly persecution as if he were forced to be a member of that Church. On this point I am ready to meet Mr. Moody Stuart, or any gainsayer.

CHAPTER VII.

LIGHT SHED ON THE PERSECUTING PRINCIPLES OF THE WESTMINSTER STANDARDS BY THE PERSONAL WRITINGS OF THEIR COMPILERS.

THE question under discussion is purely one of interpretation. It is, What do the Westminster Standards teach in those portions of them that bear on religious liberty? If there is any ground for reasonable doubt as to the answer, if there is a sentence or a clause on this head that is obscure or ambiguous, there is an obvious and easy method of clearing and settling its import. We have had bequeathed to us by many of the compilers of the Standards personal writings, enriching our ecclesiastical and theological literature. What is their doctrine, in these, on religious liberty? If, in their personal writings, they advocate true liberty, the Standards framed by them ought to be interpreted in harmony with this doctrine, if it be possible grammatically to do so. If they, on the contrary, in their personal writings, advocate persecution, the Standards framed by them ought to be interpreted in harmony with this doctrine, if it be possible grammatically to do so. Those men did not teach one doctrine in their personal writings, and the opposite of it in the Standards. To suppose that they did, would be most unjust to them, and far more injurious to their memory than the charge which I bring against them.

What, then, is the doctrine on the subject of religious liberty, taught by the compilers of the Confession in their personal writings? The late Dr. M'Crie had too much sagacity not to dread the result of perilling the controversy on this issue. He therefore objected to the admission of this issue *in limine*. "The Bible," it has been often said, "is its own best interpreter;" but he would not allow the framers of the Standards to be their own interpreters at all! "Others," says he, "appeal to passages in the private writings of Presbyterians at the period when the Confession was compiled. But it is evidently unjust to attempt in this way to fasten on a public deed an odious sense which its own language does not natively and necessarily imply. Would all those who wish to make Rutherford's treatise on 'Pretended Liberty of Conscience' an authentic interpreter of the passages in question (Confession, xx. 4, and xxiii. 3), be willing to make the same use of his treatise on 'Spiritual Antichrist,' with reference to the doctrine taught by the Confession on the Covenant of Grace? Or would they be willing that the same use should be made of the writings of individuals in the present day, in disputes about the principles of the bodies with which they are connected, before the public, or before courts of judicature?" *

"An odious sense" does not need to be "fastened on" "the passages in question." The odious, *i.e.*, the persecuting sense, is that which "the language" of the Confession "natively and necessarily implies." So I have been at some pains in endeavouring to prove; and Dr. M'Crie's way of interposing against my bringing into court the framers of the Confession, to confirm my proof, is, I must take leave to say, extremely unfair. If there is any authority that ought to end all strife about the meaning of a book, surely that authority

* *Appendix to Discourses on the Unity of the Church.*

is the author or authors of the book; and all contention to the contrary is a weary waste of time and of words, and an insult to common sense and common equity.

In descending to this very contention, Dr. M'Crie asks, "Would all those who wish to make Rutherford's treatise on 'Pretended Liberty of Conscience' an authentic interpreter of the passages in question, be willing to make the same use of his treatise on 'Spiritual Antichrist,' with reference to the doctrine taught by the Confession on the Covenant of Grace?" I answer, No; and I take myself to be a fair type of the class interrogated. I hold one of the treatises of Rutherford referred to not to be "an authentic interpreter" of the Confession on the Covenant of Grace. The other I hold to be "an authentic interpreter" of the Confession on religious liberty; and I resist and detest the sophistry which assumes that both treatises have the same value as Confessional interpreters. There is no analogy between them in this respect, though it served Dr. M'Crie's purpose to represent the analogy as complete. The doctrine of the one treatise was most anxiously, and patiently, and thoroughly discussed in the Westminster Assembly. The substance of it was adopted by the Assembly, to Rutherford's entire satisfaction. It was embodied in the chapters of the Confession which treat "Of Christian Liberty, and Liberty of Conscience," and "Of the Civil Magistrate;" and to these chapters Rutherford appealed in support of the principles of his "Free Disputation." It was totally different in regard to his other treatise. His doctrine on spiritual Antichrist was not the subject of such discussion in the Westminster Assembly as his doctrine on pretended liberty of conscience. I do not know, indeed, that it could be truly affirmed that Rutherford himself ever fully expounded it there. Most certainly the Assembly did

not adopt the doctrine, and embody it in what the Confession teaches on the Covenant of Grace. In short, Rutherford's doctrine in the one treatise was peculiar, or all but peculiar, to himself; and his doctrine in the other was common to him, with at least all the Presbyterian members of the Assembly. For these all-sufficient reasons, the one treatise is "an authentic interpreter" of the Confession, and the other is not.

Dr. M'Crie further asks, "Would they be willing that the same use should be made of the writings of individuals in the present day, in disputes about the principles of the bodies with which they are connected, before the public or before courts of judicature?" I answer, Yes; if the "individuals in the present day" whose writings were appealed to, were competent witnesses on such a question, as competent as Rutherford was in his day; and, more especially, if they were themselves the framers of the Church Acts or formularies, the meaning of which was disputed. And "the public and courts of judicature" say, Yes, with me. What more common in our land than disputes about the professed principles of ecclesiastical bodies? and, so often as they have occurred, the oral testimony and the writings of the Rutherfords and M'Cries of the bodies, are just the evidence by which they have been settled. How it has come to pass that I have to debate with the late Dr. M'Crie a point so notorious and incontestable, is the mystery which cannot, I fear, be explained without debiting prejudice with a very rare amount of blinding, perverting influence. But the times are not only changing, but improving: methinks, at least, that I discern at present an auspicious token of this in the Free Church. The Anti-Union, Anti-Protestant minority in it are loudly charging the majority with deserting Free Church principles. They have more especially taken up the

vocation of tormenting the few Disruption leaders, now Unionists, who still remain on the face of the earth. The torment is inflicted by quoting against them their own speeches and writings, expository of Free Church principles before communion with the Voluntaries corrupted them. Their sufferings have excited wide and lively sympathy : yet notable it is that not one of the sympathisers has made bold to follow Dr. M'Crie's cue, and to ask, Who is willing to accept this or that Disruption speech of Principal Candlish, or this or that Disruption pamphlet of Dr. Robert Buchanan, as "an authentic interpreter" of the principles of the Disruption Church?

I may add that doctors differ ; and that, as has appeared, Principal Cunningham differs here from Dr. M'Crie. The legitimacy of my argument in this chapter he attests, by appealing to "the known views of its authors" as a criterion by which to try any interpretation of the Confession that may be offered.*

I must limit my review of the personal writings of the compilers of the Westminster Standards. Those of the Clerical Commissioners from Scotland to the Westminster Assembly—Henderson, Baillie, Gillespie, and Rutherford—will be enough for my argument, and more, I fear, than my space and the reader's patience will well bear.

In my argument in this Chapter I have been most happily anticipated by a valued friend ; then the Rev. Andrew Cameron, Maryton, now Dr. Cameron, Melbourne. In these perilous times we can ill spare a brother of such intelligence, and candour, and courage, and power ; and I almost grudge him even to Australia. In the debate on the Union Question in the Free Church Assembly, on May 27, 1870, he, after admirable statements and reasonings on other

* *Discussions on Church Principles*, 222.

points, spoke as follows on the persecuting principles of the Standards :—

“I come now . . . to the teaching of the Confession of Faith regarding liberty of conscience, and the relation to that teaching of the formulas of the various negotiating Churches. Various things have been said as to this, both yesterday and to-day—especially by Dr. Miller and Mr. Martin yesterday—to which I listened with great surprise. Our friends seemed to hold three things under this head, viz., (1.) That the Confession of Faith, rightly interpreted, does not teach persecuting and intolerant doctrine, in our modern understanding of these terms; (2.) That in view of the Act of Assembly 1846, no office-bearer in the Free Church is at liberty to hold that the Confession does teach persecuting and intolerant doctrine; and (3.) That, therefore, for this Church to unite under a common formula with the United Presbyterian Church, which leaves its office-bearers free to hold the reverse, would be to palter with the Confession, allowing two senses to be attached to its teaching within the same Church. That, I think, is a fair statement of the ground taken. And substantially the same ground is assumed by them when they further speak, as they have been doing in this discussion, of the different meanings attached in the Act 1846 and in the United Presbyterian formula respecting to the terms ‘persecuting and intolerant’—the one being understood to exclude from their range, the other to include within it, the idea of ‘establishment and endowment.’ Our friends insist that to allow two meanings, in any sense of that term, to be attached within the same Church to the teaching of the same Confession, or of any portion of it, is to deal unwarrantably, because deceitfully, with the truth of which the Confession is the exponent. Now, I repeat, I listened to the statements made in this connection

with great surprise. Not, of course, that there is not a sense in which every one here must admit, nay, must strenuously hold, that the toleration within a Church of two meanings of the Church's Confession is altogether inadmissible. That is true— unquestionably, imperatively true—so far as principles are concerned. But it is far from true, it is the very reverse of the truth, so far as concerns the mere application of principles. And a better illustration of the difference between these two things could not be desired than is afforded by the teaching of the Confession on this question of liberty of conscience. Only one meaning of that teaching to be tolerated within a Church receiving this Confession; and the meaning of our friends the only true meaning! Why, what will our friends say if it be proved that there were two meanings, in the sense in which that phrase is used by them, attached, and known to be attached, to the teaching of the Confession regarding liberty of conscience in the Westminster Assembly itself? (Hear, hear.) I undertake to prove both these things. I undertake to prove that there were two meanings in the Westminster Assembly; and I undertake to prove that the meaning to which our friends say every office-bearer of the Free Church is bound, is a third meaning, known to no one in the Westminster Assembly, and which would have been rejected with horror and loathing by every member of it.

“First, as to there having been two meanings in the Westminster Assembly. It is beyond question that the Presbyterian and Independent members of that Assembly held a common principle on the subject of liberty of conscience, and that they agreed on the fourth section of the twentieth Chapter of the Confession as a common statement of that principle. But it is equally beyond question that they differed—totally differed—and knew that they did so, even while agreeing on that common statement, as to certain

applications of the principle, which both regarded as of high importance ; applications, indeed, which, so far as the Independents were concerned, were of the highest possible importance, affecting their very right to ecclesiastical existence. The statement of common principle on which they agreed was as follows :—

“ ‘And because the powers which God hath ordained, and the liberty which Christ hath purchased, are not intended by God to destroy, but mutually to uphold and preserve one another ; they who, upon pretence of Christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or ecclesiastical, resist the ordinance of God. And for their publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature, or to the known principles of Christianity, whether concerning faith, worship, or conversation ; or to the power of godliness ; or such erroneous opinions or practices, as either in their own nature, or in the manner of publishing or maintaining them, are destructive to the external peace and order which Christ hath established in the Church ; they may lawfully be called to account, and proceeded against by the censures of the Church, and by the power of the civil magistrate.’ ”

“Now, what was the view held by the Presbyterian members of Assembly as to the fair, logical, even necessary application of this common principle ? That question is answered in a well-known book which I hold in my hand—well-known, I mean, by name ; few of us, I suspect, have read it—Samuel Rutherford’s ‘Free Disputation against Pretended Liberty of Conscience.’ Rutherford, I need not remind the House, was himself a member of the Westminster Assembly, one of the Scottish Commissioners, and this treatise of his was published in 1649, two years after the Confession of Faith had been finally revised at Westminster,

and approved by the General Assembly. Well, in this book Rutherford expressly claims the sanction of the Confession—of that fourth section of the twentieth Chapter—for the view he has been urging through hundreds of pages regarding liberty of conscience. ‘The Reverend Assembly of Divines,’ he says (p. 279), ‘give their sense of this pretended liberty to be against the will and mind of God in His Word.’ ‘Their sense of this pretended liberty,’—a phrase taken from the Confession—‘who under pretence of Christian liberty.’ Now what was this liberty which Rutherford condemned, and held the Confession to have condemned, as merely ‘pretended liberty?’ I am sure that no one who has read his treatise will dispute the accuracy of the statement I make, when I say, that by ‘pretended liberty,’ Rutherford meant liberty to teach any thing contrary to the Confession in any particular, great or small; and further, liberty to form or belong to any Church but the one true Church of the nation. Any man in the kingdom might hold in his own mind what view he chose, so long as he kept his mind to himself; but no man was at liberty, or ought to be left at liberty, to utter in the hearing of others, or to disseminate by means of the press, any view opposed to the Confession. And so no man was at liberty, or ought to be left at liberty, to raise, or sacrifice at, rival altars, or even to absent himself from the ordinances of God as then set up in the land. Liberty to do any of these things was but ‘pretended liberty;’ and those claiming it and attempting to exercise it, were to be summarily dealt with, ‘proceeded against by the censures of the Church, and by the power of the civil magistrate.’ Accordingly, carrying out this view, Samuel Rutherford maintained that there was, and could be, no such thing as persecution except for the truth—‘for righteousness’ sake;’ no man holding and teaching error could possibly be perse-

cuted, the punishment of such a man being not persecution at all, any more than the punishment of a thief, or of a forger, was persecution. The heretic, along with the thief and the forger, suffered simply as an evil-doer. Dr. Cunningham, in his 'Historical Theology,' after stating that the principal error of the Reformers on the subject of the magistrate's power with respect to religion, was their notion of the right and duty of civil rulers to punish men, and even to inflict the punishment of death, on account of heresy and blasphemy, adds, 'The question continued to perplex the minds of theologians for several generations, and it cannot be denied that during nearly the whole of the seventeenth century, Protestant Divines in general ascribed, in speculation at least, to civil rulers, a power of inflicting punishment on account of heresy, which is now universally rejected, except by the adherents of the Church of Rome.' This book of Samuel Rutherford's, and all other books of the time on the same subject—the works, for example, of Ferguson of Kilwinning, of David Dickson of Irvine, of Thomas Edwards of London—but illustrate the truth of Dr. Cunningham's statement, so far as our Presbyterian fathers were concerned. (Hear, hear.) 'Liberty of conscience,' in the understanding of Rutherford and his contemporaries, was simply liberty to hold and profess the truth.

"Dr. GIBSON.—Hear, hear.

"Mr. CAMERON.—Liberty to hold and profess the truth! A very good definition of liberty of conscience as before God, but a sorry definition of liberty of conscience as before men. (Loud applause.) Liberty to teach anything else than the truth was not liberty, but licentiousness—'pretended liberty,' as little to be endured as would have been a claim for liberty to individuals to make laws for themselves, contrary to the common laws of the land, or to set up a variety

of civil governments within the same kingdom—(hear, hear)—a view to which our fathers were led by the fundamental error from which they started, viz., that the laws of the theocracy are still in force in this connection, and, therefore, that the magistrate is as much bound now as he was in Old Testament times to root out idolatry and error from the land. (Hear, hear.) It may interest Dr. Begg to know that, among the passages which Rutherford quotes very confidently in proof of this are some which he has repeatedly quoted in these discussions. That one, for example, ‘Kings shall be thy nursing fathers, and their queens thy nursing mothers.’ (A laugh.) It is a glorious promise. I do not quote it, of course, to excite laughter. (Hear, hear.) But it may interest Dr. Begg to know that in that promise Samuel Rutherford finds evidence, not so much that the magistrate is to establish and endow the Church—of that, indeed, he says nothing—but that the magistrate is to suppress heretics and heresy all over his dominions. (Applause.) ‘Would a nurse,’ he asks, ‘allow the children she has in charge to have poison set down before them? and what poison so dreadful and deadly as error, by which not the body, but the soul is destroyed?’ (Applause.) There is another prophecy, to which he devotes a whole Chapter of his book, that in Zech. xiii. 2-4. He quotes the first verse of the chapter to show that the prophecy relates to Gospel times: ‘In that day there shall be a fountain opened to the house of Judah, for sin and uncleanness;’ then he gives the prophecy itself: ‘Also I will cause the prophets and the unclean spirits to cease out of the land; and it shall come to pass, that when any shall yet prophesy, then his father and mother that begat him shall say unto him, Thou shalt not live; for thou speakest lies in the name of the Lord: and his father and mother that begat him shall thrust him through when he prophesieth.’ And then he

proceeds to demonstrate that such a prophecy involves the permanent obligation of the Levitical law in this matter, and therefore the duty of the magistrate to deal summarily with false prophets and unclean spirits. This text from Zechariah, by the way, is one of those subjoined to the Confession, and was no doubt put there along with the rest (every page of Rutherford's book, and of all the books of the time on the subject, bristles with these very texts), in the full conviction that the abiding obligation of the Mosaic law regarding the punishment of heretics was thereby established. None of our fathers seem to have had a doubt on that subject. I turned up the other day, *e.g.*, George Hutcheson on the 'Minor Prophets'—Hutcheson was a member of the General Assembly of 1647, by which the Confession was approved—and found him deducing the following among other doctrines from that passage in Zechariah:—

“ ‘2. The toleration of a false religion in doctrine or worship, and the exemption of the erroneous from civil punishment, is no more lawful under the New Testament than it was under the Old, it being no more lawful to compel consciences (if so be that this be a compulsion, as men give out) *then*, nor it is *now*; for here is a prophecy of the days of the New Testament, alluding to the law (Deut. xiii. 5, 6, 9) as being then to be in force.

“ ‘6. It is not enough, nor is it a sufficient testimony of zeal in magistrates, to suppress and punish erroneous persons when they do, by their doctrines and practices, disturb the civil peace of the State; but their wronging of the truth of God, corrupting of souls' food, poisoning them with lies instead of truth, and wronging of the God of Truth by fathering a lie upon Him, ought to stir up zeal to take order with them; for this is the reason of the sentence, “Thou shalt not live, for thou speakest lies in the name of the Lord.” . . .

“7. Some errors are so eminently blasphemous, and some persons so eminently engaged in vending and promoting of them, as in God’s account calls for the death of the seducers, for of some prophets it is said, Thou shalt not ‘live and they shall thrust thee through.’—(“Minor Prophets,” ii. 203, 204.)

“I might go on with quotations of this sort to any extent, but I must confine myself to one additional extract, with the view of showing the sweep of the principle in the Confession on this subject, as that principle was understood and applied by Rutherford and the rest. How far did it carry them, not only against Popish priests and Socinian teachers, but even against men whom they themselves regarded as evangelical, holding all fundamental truth? We have the answer in a chapter of Rutherford’s treatise, entitled, ‘What Opinions may be Tolerated? What not?’ Listen to what follows:—

“‘But are there no far-off truths at all to be tolerated? Do not learned men give diverse and contrary expositions of one and the same text of Scripture? And hath not the Church suffered errors and erroneous opinions in godly, learned men, in all ages, even in Tertullian, Augustine, and others? and have not implored the sword of the magistrate against them, though all errors printed and preached hurt the souls of others more or less?

“‘*Ans.*—Some errors about things that God hath left indifferent for the time—as opinions and practices about meats and days, Rom. xiv., 1 Cor. viii. 10. In these God gives an indulgence, and bids us, so long as the date of indifferency endureth, bear with the weaker. . . . So it would appear that some lower errors, that are far off, without the compass of the ordinary discerning of man, and lie at a distance from the foundation (as fundamentals and Gospel promises lie near the heart of Christians), may be dispensed

with ; as a conjecture, What became of the meat that Christ ate after His resurrection when He was now in the state of immortality ? and some probable opinions that neither better the holder nor much promote or hinder the edification of others, are not much to be heeded, save that curiosity in them is sinful, and happily may be tolerated ; or whether the heavens and the earth, after the day of judgment, shall be annihilated, and turned to nothing, and be no more, or if they shall be renewed, and delivered from vanity, and endued with new qualities,' etc. (97, 98).

“ Such were the limits within which Rutherford would have confined toleration. But he has no sooner made even this small concession than he adds :—

“ ‘ Such opinions and practices as make an evident schism in a Church, and set up two distinct Churches, of different forms of government, and pretending to different institutions of Christ, of which the one must, by the nature of their principles, labour for the destruction of the other, cannot be tolerated ; for each pretending their fellow Churches to be of man, and so of the devil, *though they make one invisible Church, agreeing in all fundamentals, and many other truths,* soon the whole should be a kingdom divided against itself, and this destroyeth peace and unity. And if Paul could not endure the divisions of one and the same Church of Corinth, though they pretended not to be different Churches, . . . far more could he not endure gathering of true Churches out of true Churches, which is the professed practice of the Independents,' etc. (98, 99). (Laughter and applause.)

“ Passages like these need no comment ; and, extreme though they be, they express, as I have said, not only Samuel Rutherford's view, but the view of all our fathers of that time. Besides, and very important, they express the view which Rutherford held, and which no doubt his brethren held with

him, to be the view of the Confession of Faith—the fair, logical, necessary application of the principle laid down in the fourth section of the twentieth Chapter. It was after writing these passages, and many passages equally strong, protesting and arguing all through against liberty to teach error, whether in fundamentals or in non-fundamentals, as but ‘pretended liberty,’ that Rutherford wrote, with a reference to that twentieth Chapter entered in the margin, ‘The reverend Assembly of Divines give their sense of this pretended liberty to be against the will and mind of God in His Word.’ (Loud applause.)

“So much for the Presbyterian members of the Westminster Assembly. But what of the Independent members?” After correcting Mr. Moody Stuart for representing the latter as “the strenuous advocates of toleration,” and on this ignorant mistake building the inference that there could not be intolerance in the Confession, else they would not have given it their sanction; and after referring to well-informed writers among them candidly and frankly admitting this mistake—as Mr. Fletcher in his “History of Independency,” and Dr. Sloughton in his work on “The Commonwealth”—Dr. Cameron avers, “that the Independents at the time of the Westminster Assembly had not a glimpse of the doctrine of toleration as we now understand it; . . . that the only toleration the Westminster Independents at any time advocated was toleration for evangelical Christians—for those holding all fundamental truth—toleration, *i.e.*, for themselves; and that general toleration such as we now have and prize, they one and all loathed the very thought of, as profane in itself, and a sure curse to the community, denouncing its Arminian, Antinomian, and Quaker advocates as the apostles of anarchy, and as the greatest enemies of that limited toleration which alone they desired. In other

words, they altogether agreed with the Presbyterian members of the Assembly in their intolerant principle, 'differing from them only as to the range of its application.' " * Dr. Cameron concludes thus : " The view which they (the friends opposite) take of the teaching of the Confession, and would impose with a high hand on all, is not the view of our fathers, but a view which, I repeat, these fathers would have recoiled from with horror and loathing. This is true of the Independents —eminently true, as I have shown, of the Presbyterians. I make bold to say that if Dr. Begg, and Dr. Gibson, and Dr. Miller had lived in the days of our fathers, they would not have been allowed to sign the Confession of Faith on their understanding of it. (Loud applause.) Faithful men though they reckon themselves, they would not have been allowed to enter the Church of Scotland as ministers. (Continued applause.) I venture to say further that, if Alexander Henderson, and George Gillespie, and Samuel Rutherford, and Robert Baillie, were living in these days, Dr. Gibson, Dr. Begg, and Dr. Miller, with their views, would not allow them to come, as ministers, into this Free Church of ours.

* Dr. Cameron, in a foot-note which I must resist the temptation of transcribing, gives overwhelming proof of this from the writings of Goodwin, Burroughs, and Bridges, and from three public documents for which the leading Independents of the time were responsible, " The Humble Petition and Advice presented to Cromwell by the Parliament, shortly before his death, and to which (May 25th, 1657) he gave his consent ; The Savoy Confession ; and the Resolutions passed after the abdication of Richard Cromwell, at a large meeting of delegates of Congregational Churches." All these abundantly confirm what I have said of the views of the Independents. They disprove the pretensions which have been set up in their behalf, as if they, by that time, had as a body discovered and embraced the principles of religious liberty, while these were yet hid from others. The difference between them and the Presbyterians was small indeed, and was exactly as Dr. Cameron stated in his speech.

(Loud applause.) And I say yet further, that if, in 1846, when the Act prefixed to the formula was passed, declaring the understanding of the Church as to the teaching of the Confession on the subject of liberty of conscience, if at that time any single minister or member of Assembly had held the good old persecuting doctrine, he would have been as much entitled as Dr. Gibson was yesterday to come and lay a protest on the table of the House—(loud applause)—against their even proceeding to consider that Act—(continued applause)—and would have had as good a right, in virtue of that protest, to lay claim to the whole property of the Free Church. (Enthusiastic and prolonged applause.)” *

I could add to such extracts from Rutherford to almost any extent—his Work, a most elaborate apology for persecution, extending to upwards of 400 small quarto pages. But instead of further extracts, I shall try another method of giving some further idea of the Work. I shall do so in notes on a few portions of it, which Dr. Cameron’s extracts did not touch.

Rutherford’s arguments against pretended liberty of conscience are not scanty in number. They amount to sixteen; and almost the whole of them are disposed of by the single remark of the late Dr. M’Crie on them, as they were pleaded by Knox and his contemporaries. They assume, and proceed on, “the untenable opinion that the judicial laws given to the Jewish nation, are binding upon Christian nations, as to all offences against the moral law.” And the residue of his arguments may be disposed of almost as summarily and effectively. The sixteenth, for example, as the abstract of it stands in the margin, is, “Ecclesiastical censures as compulsory as the sword!” an argument enough to show that, “a master of Israel,” as Rutherford was, he had not mastered

* *Assembly Proceedings and Debates*, 1870, 246-256.

the very elements of the question about which he disputed so freely.

He cites the Fathers in support of the right and duty of the civil magistrate to persecute. The Emperor Gratian decreed, That all religions should be free : yet his experience in his wars with the Goths made him careful that Ambrose should draw up a short confession, in which he exempted from toleration the Manichees, the Phocinians, and the Eunomians (306). Eusebius records approvingly, that Constantius gave out edicts against heretics, and also made laws of pecuniary fines and mulcts against them. Nazianzen likewise records approvingly the banishment, and other punishments, which Theodosius the Great inflicted on Arius, etc., and their followers. Above all, Augustine asked, Why should sorcerers find the rigour of the law from Emperors, and heretics and schismatics go free ?—and he recanted the “too meek sentence” he once gave forth, that such religious delinquents should be exempted from capital punishment (308).

Rutherford confirms all that I have said of the persecuting character of the Covenants ; expressly contending that the toleration of the Independents, and of other such sectaries, though they were sound in “fundamentals,” was contrary to the Covenant (267-272) ; as also to the Ordinances of Parliament in the Covenanting era. He gives several of the latter, which I had passed over in my third Chapter ; as the Ordinances of March and October, 1645, in which the Honourable Houses, in rules and directions for suspending from the Lord’s Supper, enumerate most of the fundamentals (of the Lord’s religion), and evidence that they who profess or teach contrary to these are to be punished ; and the Ordinance of February, 1646, in which the Honourable Houses enact, That any person preaching or writing against,

or maintaining such errors as subverted, any Articles of the true Protestant religion, and that refused to compear before the Eldership, or obstinately persisted in his error, should be imprisoned by a Justice of the Peace, till he submitted to order (276, 277).

He also confirms me in what I have said on the magistrate's function of judging for others in religious matters. In these matters, according to Principal Cunningham, it is the magistrate's function to judge, not for others, but for himself alone, "with a view to the discharge of his own duty, and the regulation of his own conduct." But what if he judges that it is his duty to punish me for my religion? If he does, it implies that he has judged for me what the true religion is, and that I ought to have followed his judgment. All that necessarily precedes his judging that it is his duty to punish me for the false religion which he thinks I have followed. So I said (page 154), and Rutherford not only sustains me, but sets the point in a light so clear, that it is hard to mystify it. He lays down that as the magistrate must judge a given deed to be murder, before he punish it as murder, so he must judge a given opinion to be heresy, before he punish it as heresy. To Libertines' objecting, That magistrates should not judge what is heresy and what sound doctrine, because that is to be judged according to the Word of God by pastors, he answers, That both magistrates and pastors are to judge; the magistrate judging "in order to civil punishment, and not in order to the gaining of souls;" as the pastor, on the other hand, judges in order to spiritual censure, and in order to convert the heretic from the error of his way, and to save a soul from death (329).

Before this "Free Disputation" was published, Jeremy Taylor's "Liberty of Prophesying," Roger William's "Bloody

Tenet," Goodwin's "Hagiomastix and Theomachia," "Ancient Bounds," etc., had appeared. All these treatises advocated religious liberty with more or less clearness, consistency, and thoroughness; and it is decisive of the principles of the Disputation that it vigorously attacks them all, and laboriously attempts to refute them.

Passages of Scripture which such writers adduced against intolerance, Rutherford treats with a freedom which would hardly have been borne with in any person who was not known to be a singularly good man, as well as a Professor of Divinity. One who respects the Confession revolts when he sees it corrected on pretence of explaining it; and much more does one who reveres the Word of God revolt when he sees it corrected on the same pretext. The Lord's answer to James and John when they proposed to command fire to come down from heaven to consume the Samaritans, who did not receive Him, even as Elias did ("But he turned, and rebuked them, and said, Ye know not what manner of spirit ye are of. For the Son of man is not come to destroy men's lives, but to save them."—Luke ix.), does look very like a strong condemnation of religious intolerance, as directly antagonistic to the design of His advent, and to the whole genius of His religion. But Rutherford says, No: the quarrel of the disciples with the Samaritan villagers was not about religion at all, but for their inhospitality; and, besides, neither Christ nor His disciples were magistrates! The Jesuit Suarez is quoted with approbation, and he says, "They (the disciples) were not to use violence and threatening against the Samaritans, but to shake the dust off their feet against them; for Christ and His disciples bare not the sword of magistrates" (288-291). The error of the disciples, therefore, did not lie in an intolerant spirit against corrupt religionists, but in forgetting that they were not magistrates!

And (shall I put it in words?) the error of the Master lay in talking irrelevantly about His "not coming to destroy men's lives, but to save them," when He ought simply to have reminded James and John that He and the twelve were not magistrates !

Again, what the householder, in the parable of the tares, said to his servants when they asked him, "Wilt thou that we go and gather them up?" ("But he said, Nay; lest while ye gather up the tares, ye root up also the wheat with them. Let both grow together until the harvest"—Matt. xiii.), does look very like a prohibition of disposing of heretics, etc., by cutting them off with the magistrate's sword. But Rutherford says, No: the parable has nothing to do with the magistrate punishing or not punishing heretics, etc. And if it were good divinity, and good logic, to say that the magistrate ought not to anticipate "the harvest" by cutting off heretics, etc., it were equally good divinity, and good logic, to say that he ought not to anticipate "the harvest" by cutting off murderers, etc. ! (236-240).

Yet again, to give one example more, Gamaliel's counsel in the Sanhedrim with reference to the Apostles Peter and John ("Refrain from these men, and let them alone: for if this counsel or this work be of men, it will come to nought: but if it be of God, ye cannot overthrow it; lest haply ye be found even to fight against God."—Acts v.), does look very like a wonderfully sagacious and commendable counsel from the lips of a member of that court. But Rutherford says, No: "though Libertines suppose Gamaliel's argument to condemn all use of the sword against false teachers, yet it is only Gamaliel's rotten dilemma, not the Holy Ghost's." If heretics ought to be "let alone," murderers, parricides, and seditious persons ought also to be "let alone." So Rutherford contends; and, too easy a task, alàs! from among

the advocates of persecution he fortifies himself with authorities, who, had they had Gamaliel in their power, would have made him smart for his counsel. "The man," saith Beza, "was no favourer of the Gospel, but feared the evil that might follow upon the displeasure of the Romans. And Piscator and Gualther say well, It was an evil counsel: Gualther saith, Since the scope of Gamaliel was only to save the apostles from present danger, they abuse this argument who thereby shape all discipline civil and ecclesiastical: for the magistrate bears not the sword in vain, and ought to extirpate heresies by his office. And Calvin saith, It was a sentence unworthy of a wise man, because that which is of God shall stand: Gamaliel's counsel is null, that therefore the magistrate whom God armed with the sword should do nothing against sin" (281, 282).

Rutherford's answers to objections against his persecuting doctrine are singularly rich and racy. I give two samples, compressing them into a few sentences.

Jeremy Taylor objects, He who persecutes a disagreeing person arms all the world to persecute himself: if he say he is no heretic, he is as confidently believed to be a heretic as he believes his adversary to be one: if it be said, every side must take its venture, this is to make the Christian world a shambles. Rutherford admits that the Christian world is a shambles, through the corruption of men's nature, but not through his persecuting system. Christian orthodox magistrates, in punishing heretics and seducers, do not arm these against themselves, any more than just magistrates' taking away the lives of pirates, robbers, and murderers of other nations, arms these miscreants to take away their lives! (383).

Roger Williams objects, That, on the principles of the persecutors against whom he wrote, Jews and nations that

blaspheme Christ must be put to the sword, according to the Scriptures, Exod. xxii. 20, Levit. xxiv. 16, Deut. xiii. Rutherford answers, They must be put to the sword; provided first, that we Christians have magisterial power over the blasphemers, and second, that we have sufficiently, but in vain, instructed them in the doctrine of the Gospel! (386).

I must draw much more sparsely from the writings of the other three Scottish Commissioners. To take Henderson first: Dr. Aiton admits that "to a certain extent, Henderson might have been intolerant in enforcing a conformity of religion in both kingdoms; but this seems to have been the head and front of his offence."* A small offence, apparently, in his biographer's reckoning, but quite sufficient to decide what Henderson's principles were. As was to be expected of the reviser of the National Covenant in 1638, and the projector and framer of the Solemn League and Covenant in 1643, he was for "enforcing conformity of religion" in Scotland and England. He was for the civil magistrate's enforcing it; and this involves the principle of all magisterial persecution in religion. The principle pervades the writings of Henderson which I have seen, and I have seen the most of them; and it was thus carefully and fully expounded by himself in his speech from the Moderator's chair in the General Assembly of 1638:

"It well becometh us, his Majesty's subjects convened in this honourable and reverend Assembly, with all thankfulness to receive so full a testimony of his Majesty's goodness, and not to undervalue the smallest crumbs of comfort that fall to us of his Majesty's liberality. With our hearts do we acknowledge before God, and with our mouths do we desire to testify to the world, how far we think ourselves obliged

* *Life and Times of Henderson*, 480.

to our dread Sovereign, wishing that the secret thoughts of our hearts, and the way wherein we have walked in time past, were made manifest to him. It hath been the glory of the Reformed Churches, and we account it our glory in a special manner, to give unto Kings and magistrates what belongs to their places ; and, as we know the fifth command of the law to be a precept of the second table, so do we acknowledge it to be the first of that kind, and that, next unto piety towards God, we are obliged to loyalty and obedience to our King. There is nothing due to Kings and princes in matters ecclesiastical, which, I trust, shall be denied by this Assembly to our King ; for, beside authority and power in matters civil, to a Christian King belongeth, 1. Inspection over the affairs of the Church, ‘Et debet invigilare non solum super ecclesiasticos, sed super ecclesiastica ;’ *i.e.*, He ought to watch not only over ecclesiastical persons, but over ecclesiastical matters. 2. The vindication of religion doth also belong to the King, for whom it is most proper, by his authority, to vindicate religion from all contempt and abuse, he being keeper also of the first table of the law. 3. The sanctions also are in his Majesty’s hand, to confirm, by his royal authority, the constitutions of the Kirk, and give them the strength of a law. 4. His Majesty hath also the power of correction : he both may and ought to compel Kirk-men in the performance of the duties which God requires of them. 5. The coercive power also belongs to the prince, who hath power from God to coerce and restrain, by his terror and authority, from what becometh not their places and callings. 6. The Christian magistrate hath power to convocate assemblies when he finds the pressing affairs of the Church calling for them ; and in assemblies, when they are convened, his power is great (1.) As he is a Christian, having the judgment of discretion in all matters

debatable and controverted ; (2.) As he is a King or magistrate, he must have the judgment of his eminent place and high vocation, to discern what concerns the spiritual welfare and salvation of his subjects ; and (3.) As a magistrate singularly gifted with more than ordinary gifts of knowledge and authority," etc.*

I need offer no comment on this quotation ; it speaks for itself. Invest the magistrate with all this belonging, "beside authority and power in matters civil ;" give him all this inspecting, vindicating, sanctioning, correcting, and coercive power in matters religious ; teach him that the vigilant and vigorous exercise of this power is a duty which high heaven has committed to him ; and alas ! for the religious liberty of his subjects. There is no room for the shadow of it under such a "civil Pope," any more than there is under his Holiness of Rome. These were Henderson's principles ; and they are the principles, as has been seen, of the Westminster Standards, which he had an honourable share in compiling. In Chapter xxiii. 3 of the Confession, the late Dr. M'Crie could not find "one word about coercion or punishment." There the *thing* is, as has been proved, and in Henderson's speech are both *word* and *thing*. Persecution is pleaded for as the magistrate's sacred duty ; and that old, honest pleader calls "a spade a spade." He has no delicacy in speaking of "the magistrate's compelling men in the performance of the duties which God requires of them ;" of "coercing and restraining" them, "by his terror and authority," from the omission or the violation of these duties ; and of "giving Kirk constitutions the strength of a law," which the whole community must obey, if they are not to be rebels against King and Kirk. How men in our day, who hold the venerable Moderator's principles, and who have so much

* STEVENSON'S *History of the Church and State of Scotland*, 301.

trouble to get words to disguise and sanctify them, must envy him his liberty of speech !

I have before me a controversial paper of the Original Burgher Associate Synod, in which they remark on the quotation I have made from Henderson's speech : " Here the doctrine of the magistrate's *compulsory* power in matters of religion, is stated in the most explicit terms." I have also before me a pamphlet by a member of the same Synod, in which he expressly and stoutly argues for the same doctrine. In those days (upwards of fifty years ago), the ground taken by the defenders of the Westminster Standards was, that they do teach the magistrate's compulsory power in religion, but that compulsion in religion is not persecution. Now, the ground taken by the same class is, that the Standards give the magistrate no compulsory power in religion at all ! They and their predecessors cannot both be in the right. But might it not be well for them to return to the old paths, where is the good way, and, in walking therein, to speak the good old vernacular ? It would be a seasonable rebuke of the renegades and deceivers whose " ambiguities " and " two meanings " have been so perplexing and afflictive to all right-hearted men. There is, happily, some promise of their doing this ; and occupying the old ground, returning to the old interpretation of the Standards, and reviving the old defence. There is promise of it in the criticism made once and again on the qualification with which my Church receives the Standards ; to the effect, that " compulsory " are by no means identical with " persecuting and intolerant principles in religion." Would that these Abdiels would screw up their courage to fulfil this promise ! How nice it would be to see *them* correcting Dr. M'Crie for alleging that there is in the Confession not " one word of coercion or punishment " in, or for, religion ! What a treat to hear *them* acknowledging

that if compulsion in religion is indefensible, the Confession is indefensible too !

The same persecuting principles were held by Baillie as firmly and zealously as by Henderson and Rutherford. Proof of this is ever and anon cropping up in his "Letters and Journals." His spirit toward those from whom he differed in religion too often reminds us of the spirit toward the Samaritans, for which the Lord rebuked James and John. One of the *malignants*, for example, had attacked Presbytery in a pamphlet, bitter and provoking enough, as would appear. Baillie, had he had the Prelatic assailant in his power, would have made sure that he should never repeat the offence : "Mr. Maxwell of Ross has printed at Oxford so desperately malicious an invective against our Assemblies and Presbyteries, that, however I could hardly consent to the hanging of Canterbury himself, or of any Jesuit, yet I could give my sentence freely against that unhappy liar's life. It is good he is no better to our Parliaments than to our Assemblies ; for in his other pamphlet, *Sacrosancta Regia Majestas*, he lays them absolutely under the feet of a King's mere pleasure, were he the greatest tyrant that ever was."—(Letter 70.)

I have remarked on Henderson's speech in the Moderator's chair of the Assembly of 1638, in which, addressing his Majesty's Commissioner, he expatiated on the large power in religion which the Kirk conceded to Kings ; a power wholly incompatible with the right of private judgment and liberty of conscience. That speech Baillie refers to with unqualified approval, and with evident and high admiration. The "Moderator," he says, "in a very grave, digested, and learned speech, gave thanks for the King's great favours contained in that paper (the King's communication to the Assembly, which the Commissioner made the Clerk read,

and desired to have recorded in the Assembly's Book); showed at length how much we counted ourselves obliged in conscience to give the King ever, in Church matters, an inspection, a vindication, a sanction by way of law, a compelling by force Churchmen to their duties, a calling of councils, or chief place in them, a great respect to their voice, and so much more, as the Commissioner professed he spake as became a good Christian and dutiful subject."—(Letter 10.)

To the toleration which the Independents pleaded for, Baillie was strongly opposed. He gives a fair enough account of it; in this contrasting with some late writers, who, to give a colour of reason and justice to the Westminster Assembly's condemnation of it, set forth the toleration claimed in such distorted views of it as may make it an abhorring alike to the loyal and to the pious. What the Independents feared was "no less than banishment from their native country if Presbyteries were erected. . . . As yet a Presbytery to this people is conceived to be a strange monster."—(Letter 40.) What they wanted, among other "singularities," was, "Many of them preach, and some print, a liberty of conscience, at least the great equity of a toleration of all religions; that every man should be permitted, without any fear, so much as of discountenance by the magistrate, to profess publicly his conscience, were he never so erroneous, and also live according thereunto, if he trouble not the public peace by any seditious or wicked practice."—(Letter 91.) It added to the monstrosity of this in Baillie's eye, that the Independents wanted it for others as well as for themselves. "The Independents in their last meeting of our Grand Committee of Accommodation have expressed their desires for toleration, not only to themselves, but to other sects."—(Letter 122.) "Their

rejecting of all accommodation,* and pleading for a toleration, not only of their separate Churches, but for the other sects, gives great offence, and will draw out bitter writs against them.”—(Letter 123.) Baillie himself was greatly offended, and was implacably hostile to what the Independents pleaded for. “They will by all means have their separate Churches. They plead for a toleration to other sects as well as to themselves. . . . At last they gave us a paper, requiring expressly a full toleration of congregations in their way everywhere, separate from ours. In our answers we flatly denied such a vast liberty, and backed it with reasons . . .”—(Letter 124.) “We have had many bickerings with the Independents in the Grand Committee about an indulgence for their separate congregations. We have spent many sheets of paper on both sides. They have given in writs thrice, and we have as oft answered in writs. They are on their fourth writ. To these we must give a fourth rejoinder, and then come to debate verbally. For this point both they and we contend *tanquam pro aris et focis*.”—(Letter 125.)

Baillie concurs with Rutherford in confirming the views of the persecuting character of the Covenants, which I gave in my third Chapter. One reason which he assigns for so resolutely opposing the toleration of the Independents is, that the Covenants forbade it. To suffer the profession and practice of their religion, and of the religion of other sects, would have been a violation of the oath of God, and a substituting of multiformity for the uniformity which those who swore that oath bound themselves to endeavour!

* Which “all” was not much: the most offered them being that “they should not be compelled to communicate in the Lord’s Supper in their parish church, nor be liable to censures from classes and Synods, provided they joined with the parish congregation where they lived, and were under the government of it in other respects.”—NEAL, iii. 258.

“ We and they (the Independents) have spent many sheets of paper upon the toleration of their separate churches. At the last meeting we concluded to stop our paper-debates, and on Thursday next we begin our verbal disputation against the lawfulness of their desired separation. When we have ended, the Houses (of Parliament) will begin to consider this matter. The most there, and in the army, will be for too great a liberty ; but the Assembly, the city, and the body of all the ministry in the kingdom, are passionately opposed to such an evident breach of our Covenant.”—(Letter 135.)

On September 22, 1646, he wrote thus to his reverend and dear brother, Mr. David Dickson: “To-morrow the House of Commons debate the ordinance against heresies and blasphemies ; we are very solicitous for it.” Such an ordinance went quite with the heart of Baillie and his party. They attached the utmost importance to it ; and their anxiety about the course and issue of the debate was all the deeper, because “most” of the legislature, as they suspected, were “for too great liberty.” “The orthodox and heterodox party will yoke about it with all their strength ; the Lord be among them ! for the right or wrong carrying of that business is of a huge consequence. . . .”—(Letter 161.)

One is not surprised that, with such sentiments as these, Baillie leaned so much on the army for advancing the object for which he and the other Scottish Commissioners had been sent up to the Westminster Assembly. That object was “unity in religion, and uniformity in Church government,” throughout the three kingdoms ; or, as the Solemn League and Covenant expressed it, “the preservation of the reformed religion in Scotland ; the reformation of religion in England and Ireland ; and the bringing of the Churches in the three kingdoms to the nearest conjunction and uniformity in

religion ;” “ that the Lord may be one, and His name one, in the three kingdoms.” What the army could do to further this great and noble project, is not very apparent at first sight ; but it is obvious enough the moment it is seen that the “ unity ” and “ uniformity ” contemplated were to be imposed on the three kingdoms, and all opposition to them put down, by royal and parliamentary authority. This explains such passages of Baillie as I shall now give examples of. On the question of Ruling Elders the Presbyterians and the Independents in the Westminster Assembly differed. Having held high debate about it for ten days, the subject was remitted to a committee. Speaking for the Presbyterians, Baillie says, “ We trust to carry at last, with the contentment of sundry once opposite, and silence of all, their Divine and scriptural institution,” *i.e.*, the Divine and scriptural institution of the office of Ruling Elders. “ This is a point of high consequence ; and upon no other we expect so great difficulty, except alone on Independency ; where-with we purpose not to meddle in haste, till it please God to advance our army, which we expect will much assist our arguments.”—(Letter 39.)

A little after this, when the Independents were studiously following a policy of procrastination, believing that they gained by time, Baillie tells us that such a policy was not displeasing to the Presbyterians, and he gives the reason thus : “ We indeed did not much care for delays, till the breath of our army might blow upon us some more favour and strength.”—(Letter 41.)

Baillie’s “ Dissuasive from the Errors of the Time ” is, in its intolerance, in entire harmony with his “ Letters and Journals.” In his epistle dedicatory to the Earl of Lauderdale, he says : “ Liberty of conscience, and toleration of all or any religion, is so prodigious an impiety, that

this religious Parliament cannot but abhor the very naming of it. Whatever may be the opinion of Jo. Goodwin, of Mr. Williams, and some of their stamp, yet Mr. Burrowes in his late *Irenicon* upon many unanswerable arguments explodes that abomination." Speaking of the order to bring up the Dissenting brethren (the Independents) to the Presbyterian Church government, or, if that might not be, to see how far they might be borne with, he is careful to explain: "This doth suppose that our brethren shall not be permitted to print, preach, or publish, anything against the government established by Parliament; also that in the practice of this government they shall be obliged to join so far with their brethren as their principles may suffer." In the body of the volume, in order to expose what he deemed a chief error of the Independents, he has this lively and piquant paragraph: "Do the independents' principles give to the magistrate any ecclesiastic power at all? will they submit to his civil power in ecclesiastic affairs? will they be hindered by the magistrate's sentence, unless it be executed with violence, to erect congregations within his dominions at their own pleasure? will their principles permit them, upon the command of King and Parliament, to refuse to take into their congregations the members of other parish churches without a dismission, or take and admit upon the magistrate's command within their number any whom they account unfit for membership, or to recall for the magistrate's pleasure any of their Church censures? have they not very lately declared to the Parliament that they esteem all matters of religion free and exempt from their sword and power? that all matters both of worship and doctrine, that all things of the mind, as they speak, or matters of opinion, and all matters of outward form wherein uniformity is required according to our Covenant, are so far to be ruled by every man's own

conscience, his own light and reason, that the Parliament is not in any such matters to interpose their power? . . .”*

The copy of the Dissuasive before me has appended to it Baillie’s Sermon, preached before the House of Lords, July 30, 1645, entitled “Errors and Indurations on the Great Sins and the Great Judgments of the Time.” In his Prologue for the Equitable Reader, he thus denounces toleration of errors: “Whence it necessarily followeth, that it is more, at least no less unlawful, for a Christian State to give any liberty or toleration to errors, than to set up in every city and parish in their dominions hovels for uncleanness, stages for plays, and lists for duels. That a liberty for errors is no less hateful to God, no less hurtful to men, than a freedom without any punishment, without any discouragement, for all men, when and wheresoever they pleased, to kill, to steal, to rob, to commit adultery, or to do any of these mischiefs, which are most repugnant to the civil law, and destructive of human society.”

In the sermon itself he discourses thus on “what is meant by liberty of conscience, and what is the true sense of their language who require a toleration of errors:” “They who plead for liberty of errors . . . invite you to permit ravening wolves freely to enter your streets, and tear in pieces all they meet with; to come into your houses and chambers, to devour the souls of your best beloved wives, sons, daughters, servants, and friends; to lead them all out to a ditch and drown them; yea, which is infinitely worse, to cast them all in the pit of damnation. . . .

“Would you permit any whom you were able to hinder to rent the coat of Christ, to tear His skin, to cut His flesh, to pull His arm from His shoulder? These are things which have too long been done in our eyes: it were good that

* *Dissuasive*, 126, 127.

such impious actions, so grievous to God, so hurtful to the souls of men, at last were stopped.

“Would you count him a gracious parent who should wink at any who brought into his house vipers and serpents, wolves and tigers, to destroy his children? who brought in boxes of pestiferous clothes, and boldly spread them on the beds, and about the table where himself and family were to sit and lie? This is the office and only exercise of all our heretics and patrons of error.

“All Christians are obliged to the uttermost of their power to quench the fire of heresy and schism; but above all other, we have a special obligation for this duty; we have lifted up our hands to the Most High God, vowing to Him, in the sight of all the neighbour-nations, our endeavours in the sincerity of our hearts, to extirpate heresy and schism, and whatsoever shall be found contrary to sound doctrine, without respect of persons. . . .”

Baillie's rhetoric had the desired effect upon the Peers, as appears from the history of the period. Act after Act was passed to exterminate those “wolves, tigers,” etc., from the land: in other words, to suppress all sectaries who dared to dissent from the established uniformity, the Independents being specially dreaded and aimed at.

The last of the four clerical Commissioners from Scotland is Gillespie, and he was not the least of them. Baillie's notices of him indicate his high place and his great influence in the Westminster Assembly. He amply fulfilled the promise which he gave from the first, that he would “prove among the best wits of this isle.”—(Letter 7.) “We got good help in our Assembly-debates of my Lord Wariston; but of none more than of that noble youth Mr. Gillespie. I truly admire his faculty, and bless God, as for all my colleagues, so for him in that faculty with the first of the

whole Assembly.”—(Letter 43.) “There is no man whose parts in a public dispute I do so admire. He has studied so accurately all the points ever yet came to our Assembly, he has gotten so ready, so assured, so solid a way of public debating, that however there be in the Assembly diverse very excellent men, yet, in my poor judgment, there is not one who speaks more rationally, and to the point, than that brave youth has ever done.”—(Letter 47.)

I have already quoted from Gillespie’s “Hundred and Eleven Propositions;” and I shall here give a few more quotations from his writings. In the first I give he meets an objection which has been often and justly made to his principles, viz., that if you arm the civil magistrate with power to punish men for what he judges heresy, there will be the greatest hazard of the excellent of the earth suffering. He meets this objection by strongly asserting the inconsistency of heresy and holiness, as likewise of sound believing and profane living; and then from this “same principle” he deduces this corollary: “It cuts off the exception of those who cry out against the censuring, suppressing, and punishing of heretics by the Christian magistrate, as if this were a persecuting of piety or pious persons, when it is indeed a suppressing of a work of the flesh, for heresy is no other, Gal. v. 20, and of that which is either the cause or effect, either the usher or page of some impiety.”*

In the next extract Gillespie shows himself jealous of narrowing the area of persecution. Of the opinion of those who would have restricted punishments on grounds of religion to offences against the light of nature, he says: “Hence it will follow, that none is to be punished for preaching and publishing these errors: That the Scripture is not the Word of God; that Jesus Christ was an impostor or

* *A Treatise of Miscellany Questions*, 64.

deceiver; for the light of nature will never serve to confute these or such like errors concerning the Scriptures, the truths concerning them being wholly supernatural. Mr. J. Goodwin, in his 'Hagiomastix,' sect. 58, holds, that he who will hold that there is no Christ is not so pernicious or punishable as that man who lives as if there were no Christ; and one of his reasons is this, because, saith he, 'the sins mentioned, adultery, theft, etc., are clearly and at first sight against the light and law of nature, but the denial of the being of such a person as Christ, who is both God and man, is not contrary to any law or principle of nature.' I desire that the reader may here observe the words of Mr. Burroughs, in the epistle dedicatory of his Sermon before the House of Peers, November 26, 1645, 'For connivance at blasphemies, or damnable heresies, God forbid any should open his mouth. Those who are guilty herein against the light of nature should be taken off from the face of the earth, and such as are guilty against supernatural light are to be refrained and kept from the society of men, that they infest not others.' The latter part of that which he saith I accept, and I would to God that so much were put in execution. But why no other heretics or blasphemers should be taken off from the face of the earth but those only who are guilty against the light of nature, I find no reason brought for it; and I do not understand how it comes to pass that any who look so much forward to new light, should fall so far backward as to the light of nature, or that those who decline the light of nature in matter of Church government, subordination, appeals, and the like, should notwithstanding in matters of faith, which are much more sublime, appeal to the light of nature. There is need of some *Cedipus* here."*

* *A Treatise of Miscellany Questions*, 67.

In my next extract Gillespie deals with those who held "that if sectaries and heretics make a breach of peace, disturb the State, or do evil against the commonwealth in civil things, then the magistrate may punish and suppress them; but that sectaries and heretics who are otherwise peaceable in the State, and subject to the laws and lawful power of the civil magistrate, ought to be tolerated and forborne." Obviously, these were the M'Crieites of Gillespie's day; for, as has been seen, the late Dr. M'Crie, holding that it is not bad Christians but bad subjects that are punishable by the magistrate, strenuously contended that it is only against bad subjects that the twentieth Chapter of the Confession authorises the magistrate to proceed by his power. Gillespie's answer to the ancient M'Crieites equally applies, of course, to the modern ones; and let it be marked and pondered, how he denounces the principle of both as impious. "This is their *Kodesh-hakkodashim*, their *holy of holies*. . . . See now how far this principle will reach. A man may deny and cry down the Word of God, sacraments, ordinances, all the fundamentals of faith, all religious worship. One may have leave to plead no Church, no minister, no ordinances,—yea, to blaspheme Jesus Christ and God Himself, and yet to escape the hand of the magistrate, as being no troubler of the State. This I gather from Mr. Williams himself, in his 'Bloody Tenet,' chap. 6, where he distinguisheth between the spiritual and the civil peace. . . . So that by their principles, if the city of London was turning peaceably to Mahometanism or paganism, the Parliament ought not to apply their power for reducing them. If this be not to care for men's own things, not for the things of Christ, what is? And must the magistrate purchase or hold them quit of the State at so dear a rate as the loss of many souls?"*

* *A Treatise of Miscellany Questions*, 68.

My next extract is a scrap of a speech by Mr. Palmer in the Westminster Assembly, which Gillespie records as a true exposition of the Solemn League and Covenant, and a faithful application of it to the Assembly itself. "Mr. Palmer said, The second Article of the Covenant is broken by the generality of this Assembly: for what we believe in our conscience to be heresy or schism, we are obliged to endeavour the extirpation of it: now we have not endeavoured the extirpation of Anabaptism and Antinomianism, and those that maintain liberty of conscience, an inlet of whatsoever is contrary to sound doctrine and the power of godliness."*

My last extract is the crowning one, and might have superseded all the rest. It is itself enough to put Gillespie's persecuting principles, and therefore the persecuting principles of the Confession, among all the exponents of which he is *facile princeps*, beyond the pale of reasonable controversy. The extract is the Eight Propositions, containing the substance of the famous Hundred and Eleven, which the General Assembly of 1647 approved, and ordered to be printed, with the view of their being finally and formally adopted in 1648. The last of these I have already quoted as an Act of the Assembly of 1647, and as showing how the Assembly which adopted the Confession understood the twenty-third Chapter of it. I now quote it as Gillespie's Proposition, and as showing how he, a compiler of the Confession, understood the twenty-third Chapter of it. He had returned from London, and was present in the Assembly of 1647; and it is not to be doubted that the extraction of the substance of the Hundred and Eleven Propositions, and the condensation of it in Eight, was the work of the author of these. I shall give all the Eight from Stevenson; for this reason among others, to

* *Notes of Proceedings of the Assembly of Divines at Westminster*, 68.

make it appear that the jealous anti-Erastianism of the seven was considered quite compatible with the gross intolerance of the eighth.

“As Mr. George Gillespie, one of the ministers of Edinburgh, and one of our Commissioners to the Westminster Assembly, had written a book entitled, “Aaron’s Rod Blossoming,” and therefrom extracted a treatise concerning Church government, against Erastians on the one hand, and Independents on the other, in three propositions, and had sent these to Divines abroad for their examination, as Voetius testifieth, Pol. Eccles., lib. i., they were presented to the Assembly, where they were publicly read and considered; and after due deliberation, the Assembly did unanimously approve and agree unto these eight general heads of doctrine therein contained and asserted, viz.:

“First, That the ministry of the Word, and the administration of the sacraments of the New Testament, baptism and the Lord’s Supper, are standing ordinances, instituted by God Himself, to continue in the Church to the end of the world. Secondly, That such as administer the Word and sacraments ought to be duly called and ordained thereto. Thirdly, That some ecclesiastical censures are proper and peculiar to be inflicted upon such as bear office in the Church; other censures are common, and may be inflicted both on ministers and other members of the Church. Fourthly, That the censure of suspension from the sacrament of the Lord’s Supper, inflicted because of gross ignorance, or because of a scandalous life and conversation, as likewise the censure of excommunication, of casting out of the Church flagitious or contumacious offenders, both the one censure and the other is warrantable by, and grounded upon, the Word of God, and is necessary, in respect of Divine institution, to be in the Church. Fifthly, As the

rights, power, and authority of the civil magistrate are to be maintained according to the Word of God and the Confessions of Faith of the Reformed Churches, so it is no less true and certain that Jesus Christ, the only Head and King of the Church, hath instituted and appointed a Church government, distinct from the civil government or magistracy. Sixthly, That the ecclesiastical government is entrusted and committed by Christ to the Assemblies of the Church, made up of the ministers of the Word and ruling elders. Seventhly, That the lesser and inferior ecclesiastical Assemblies ought to be subordinate and subject unto the greater and superior Assemblies. Eighthly, That, notwithstanding hereof, the civil magistrate may, and ought to suppress, by corporal and civil punishments, such as, by spreading error or heresy, or by fomenting schism, greatly dishonour God, dangerously hurt religion, and disturb the peace of the Church," etc.*

Than this passage nothing could be more explicit and conclusive. I crave special attention to it, as "by far the most direct and satisfactory illustration" extant of the true meaning of the much contested twenty-third Chapter of the Westminster Confession.

First, The passage says that, for "error or heresy and schism, the civil magistrate may and ought to" visit with "corporal and civil punishments." That is, he may and ought to persecute for heresy and schism; for, to punish men on grounds of religion, is to persecute them.

Second, The passage explains how the magistrate is to perform this high function. How is it? He is to "suppress such as" are guilty of heresy and schism. This is what he is to do by his "corporal and civil punishments" of them. The words of the twenty-third Chapter of the Confession,

* STEVENSON'S *History of the Church and State of Scotland*, 581, 582.

are, that he is to "suppress all blasphemies and heresies." On "the means" by which he is to do this, Principal Cunningham will have it, as has been seen, that the Confession is studiously silent. And because it mentions not the *sinner*s, but the *sins*, which are the object of suppression, others will have it, that the Confession gives no authority to the magistrate to lay his hand on the persons of heretics, blasphemers, and schismatics. Against all such interpreters and defenders of the Confession Gillespie rises up, and meets them with a direct negative. The doctrine is, and it is the only rational one, that the magistrate may and ought to suppress heresy, by "suppressing such as spread it;" and that he may and ought to suppress schism, by "suppressing such as foment it."

Third, The passage further explains why the magistrate is thus to suppress heretics and schismatics. Why is it? Is it because they are, not bad Christians, but bad subjects? and is this what the Confession teaches on the point? Against all who say so Gillespie again rises up, and condemns and repudiates their gloss; saying most unmistakeably, that the magistrate ought to suppress such as spread heresy and foment schism, not because they are bad subjects, violating the order and disturbing the peace of civil society, but because by their heresy and schism they "greatly dishonour God, dangerously hurt religion, and disturb the peace of the Church."

The conclusion is irresistible. The Westminster Confession does teach persecuting principles in religion. It does so interpreted grammatically, as has been abundantly proved. It does so interpreted historically, as has also been abundantly proved. It does so interpreted by the personal writings of its compilers; prominent among whom is Gillespie, supported by the whole General Assembly

of 1647; and these are confessedly by far the best exponents of the Confession's meaning. Is not the demonstration complete? If there is any defect or error in it, I shall wait the appearance of some master of dialectics to point it out.

CHAPTER VIII.

LIGHT SHED ON THE PERSECUTING PRINCIPLES OF THE WESTMINSTER STANDARDS BY THEIR ADHERENTS IN SUBSEQUENT TIMES.

THE argument in this chapter only assumes that, in the times succeeding the Westminster era, Presbyterians understood their principles as well, and interpreted the Standards containing them as fairly, as any person or party at this day can reasonably pretend to do. This granted, the historic evidence that these principles are persecuting is quite overwhelming. I shall not attempt a summary of the whole of that evidence: a few salient portions of it will amply suffice for my purpose.

I may begin with Cromwell's Toleration, as history terms it; and, as compared with the intolerance which had previously obtained, even from 1638, it well deserves the name. Presbyterianism continued to be the established religion; but the Protector muzzled it. He set aside the Covenants, which had been made the justification of all the severities which the established sect practised on other sects. He ruled that no oaths were to be enacted of the subjects but by direction from Westminster. All the Acts of Elizabeth, imposing penalties for their not attending their own parish churches, for not keeping holidays, for not hearing Common Prayer, etc., were repealed. The Kirk's power was likewise

curtailed. Its sentences were stripped of coercive authority, and could have no civil effects : they could not rob a man of property, or liberty, or life. The Kirk, though ascendant, was no longer absolutely exclusive : it was no longer the only Church allowed in the realms. A subject might be a Nonconformist, under the shield of the Commonwealth. He might profess his own faith, and practise his own worship, and be protected in doing so ; if he did not abuse his liberty to the civil injury of his neighbour, or to the disturbance of the public peace. The articles relating to religion of Cromwell's "Instrument of Government" ran thus :

"Art. 35. That the Christian religion contained in the Scriptures be held forth and recommended as the public profession of this nation, and that as soon as may be, a provision less subject to contention, and more certain than the present, be made for the maintenance of ministers ; and that till such provision be made, the present maintenance continue.

"Art. 36. That none be compelled to conform to the public religion by penalties or otherwise ; but that endeavours be used to win them by sound doctrine, and the example of a good conversation.

"Art. 37. That such as profess faith in God by Jesus Christ, though differing in judgment from the doctrine, worship, or discipline publicly held forth, shall not be restrained from, but shall be protected in the profession of their faith and exercise of their religion, so as they abuse not this liberty to the civil injury of others, and to the actual disturbance of the public peace on their parts : provided this liberty be not extended to Popery or Prelacy, or to such as under a profession of Christ hold forth and practise licentiousness.

"Art. 38. That all laws, statutes, ordinances, and clauses in any law, statute, or ordinance, to the contrary of the aforesaid liberty, shall be esteemed null and void." *

These were innovations most important and salutary, and had a "blessing in them," which only future generations were to reap fully. This was legislation which our forefathers of those days must have hailed, had they understood and appreciated religious freedom. Did they hail it, then? So far from that, as it cast its shadow before, they deprecated it. So early as January, 1649, private letters from Scotland advised the Rump Parliament that the Scottish Parliament was opposed, without a single dissenting voice, to the proceedings of the Parliament in England, "in the toleration extended to sectaries."† When this toleration was more formally and fully established, the "Presbyterians preached and wrote against it, as inconsistent with their establishment, and sinking it almost to a level with their sectaries." It "occasioned a great commotion among the clergy, who complained of the loss of their Covenant and Church discipline, and exclaimed against the toleration, as opening a door to all kinds of error and heresy."‡ While the truce enforced by Cromwell on religious parties lasted, some of the more catholic-hearted of them not only cultivated good neighbourhood, but entered into associations for indulging Christian fellowship. But the old nature was still in our fathers, as a body. In the Parliament which ended the Commonwealth, held in the first quarter of 1660, "on the 21st of February the secluded members (the Presbyterians) took their seats; and from that moment the members of the Rump (the remnant of Inde-

* NEAL'S *Puritans*, iv. 69.

† *Cabinet History of England*, xii. 179.

‡ NEAL'S *Puritans*, iv. 51, 71.

pendents to which "Pride's Purge" had reduced the House) began to think of providing for their personal safety. The Presbyterian majority voted in rapid succession that Monk should be Commander-in-Chief of all the forces in England, Scotland, and Ireland; that all the proceedings of Parliament since their seclusion should be null and void; that Presbyterianism should be the one and sole religion; and that the League and Covenant, without any amendment or toleration, should be posted up in all churches." *

During the Commonwealth, the voice of the General Assembly of the Kirk was silenced. Its anti-republicanism and its intolerance had made it so offensive to the Government that, so early as July, 1653, Colonel Cotterel forcibly dispersed it, and ordered it never to meet again. But while the Assembly was thus gagged, or rather suppressed, there were manifold and unmistakeable manifestations of the principles of the Kirk, of which the Testimony of the ministers of Perth and Fife in 1659 is an all-sufficing specimen. That Testimony is a very strong denunciation of Cromwell's Toleration. The Perth and Fife ministers testified against it as "contrary to sound doctrine and the power of godliness," and to the professed principles of the Scottish Church, as contained in the twenty-third Chapter of her Confession of Faith, and in her exposition, in the Larger Catechism, of the second commandment; as being "utterly repugnant" also to the Solemn League and Covenant, "multiplying gods according to the number of our cities," instead of Covenant unity and uniformity; and as "having for seven years produced many sad and sinful effects," and as being pregnant with such evils for the future, as would make it another veritable opening of Pandora's box!† Well has

* *Cabinet History of England*, xii. 225.

† *Faithful Witness-Bearing*, 207-210.

A Member of the Synod of Ulster said, at p. 344 of his Letter, "A singular subject it was for all this godly sorrow and lamentation on the part of the Church, when it is recollected that the sole amount of the evil was that orthodox Protestants were permitted to meet unmolested in Dissenting places of worship!"

The Presbyterians having, as the Restoration dawned, got again "into the saddle," one of their first acts was to vote that the concessions of Charles I. in the Treaty of the Isle of Wight, December, 1648, were a sufficient ground for peace: which Treaty, as Hallam has it, embraced "the establishment of a rigorous Presbytery in the Church." At that time, too, the Scottish Commissioners had entered into a secret treaty with the King, to the effect that, their "rigorous Presbytery" being established, he should concur with them in suppressing schism and heresy. They were set on this in 1660 as much as in 1648. General Monk made them the fairest promises; but, not content to trust him, they commissioned Sharpe, afterwards Archbishop of St. Andrews, to repair as their agent to the King, and "gave him instructions to use his best endeavours that the Kirk of Scotland might, without interruption or encroachment, enjoy the freedom and liberty of her established judicatories, and to represent the sinfulness and offensiveness of a toleration in that kingdom."*

The Restoration accomplished, the principles of the Presbyterians were forthwith applied to themselves by the ascendant Prelatists in twenty-eight years of grievous persecution; but notwithstanding all that they suffered from them, to the principles they clung with unyielding tenacity. The Indulgences of Charles and James occasioned one curious proof of this. Those Indulgences all the staunchest of our

* NEAL'S *Puritans*, iv. 219.

fathers condemned and rejected ; and they did so for this reason among others : they were for Popish recusants as well as for Protestant Dissenters. Had the Indulgences been offered to the latter alone, and the former been excluded from the benefit of them, there seems little or no reason to doubt that they would have been generally and thankfully accepted. But to indulge Papists in the profession and practice of their religion, our fathers looked upon as an impiety to which they must not consent, at which they must not even wink, though tempted with the lure of being themselves equally indulged. They would, in the words of a London alderman, rather go without their own desired liberty, than purchase it at such a rate. They were of the mind of the Scotch minister, who in his sermon "wished that he and all the bishops were at sea together in a rotten boat, for he could be content to lose his own life so that the priests of Baal should perish." In the reign of Charles I. the Romanists, it has been said, were "prevented from becoming patriots by the intolerance of the Puritans : " they "preferred a despotism with some religious freedom to an alliance with the Protestant party, who would allow them neither this blessing, nor a share, as English citizens, in the great boon of civil liberty ; " * and so it was with our Presbyterian ancestors in the days of Charles's sons. The severest and most protracted persecution they preferred to sharing toleration with the adherents of Rome !

The Revolution brought relief to a bleeding country. It "is justly entitled to honour as the era of religious, in a far greater degree, than of civil liberty : the privileges of conscience having no earlier Magna Charta and Petition of Right whereto they could appeal against encroachment." Hallam

* *Cabinet History of England*, xi. 64, 122.

adds, in explanation : "Civil, indeed, and religious liberty had appeared, not as twin sisters and co-heirs, but rather in jealousy and selfish rivalry ; it was in despite of the law, it was through infringement of the constitution, by the court's connivance, by the dispensing prerogative, by the declarations of indulgence under Charles and James, that some respite had been obtained from the tyranny which those who proclaimed their attachment to civil rights had always exercised against one class of separatists, and frequently against another."* So it had been in the past ; but it was to be otherwise, happily, in the era which the Revolution inaugurated. Partially from the commencement of it, but fully in its progress, that era was to verify and illustrate the aphorism of Harrington : "When civil liberty is entire, it includes liberty of conscience. When liberty of conscience is entire, it includes civil liberty."

The policy of toleration had begun to be advocated by influential politicians and statesmen : even some attempt had been made to legalise it. In 1680, a Bill with this intent had passed both Houses of Parliament, and was conveniently lost off the table of the Lords, at the moment the King came to give his assent to it : an artifice by which he escaped the odium of refusing his assent.

The Toleration Act of William and Mary at length accomplished what had hitherto been attempted in vain. It did not expunge intolerant laws from the Statute Book, but it "exempted their Majesty's Protestant subjects dissenting from the Church of England from the penalties of certain laws." As the law stood, if Dissenters deserted for a month the public services of the Church of England, by the 35th of Elizabeth they were liable to imprisonment : if, after having been guilty of this heinous offence, they persisted

* *Constitutional History of England*, 721.

three months in refusing conformity, they must abjure the realm: if they refused to do this, or if they returned after banishment, they were to suffer capitally as felons, without benefit of clergy. By Acts of Charles II. in 1664 and 1670, a hearer in a conventicle, *i.e.*, an assembly for religious worship where five or more persons beside the household were present, was liable, for the first offence, to be imprisoned for three months, or pay £5; for the second, to be imprisoned for six months, or pay £10; for the third, to be transported seven years, or pay £100; a preacher in a conventicle was liable to a fine of £20 for the first offence, and £40 for the second; and the person in whose house the conventicle was held was liable to the same mulct as the preacher. By the Five Mile Act, any dissenting teacher who should, except on the road, come within five miles of any corporation, or of any place, where he had preached before the Act of Oblivion, was liable to a penalty of £50 and six months imprisonment. The Act of Uniformity had before made him liable to a fine of £100, if he presumed, not having received Episcopal ordination, to administer the sacrament of the Lord's Supper.

William and Mary's Toleration Act did not repeal these intolerant statutes, but it exempted English Protestant dissenters from the penalties annexed to them; on condition of their testifying their loyalty by taking the Oaths of Allegiance and Supremacy, and their Protestantism by subscribing the Declaration against Transubstantiation. The dissenting minister was required to profess his belief of the Thirty-nine Articles, three and part of a fourth excepted, and part of a fifth in favour of a Baptist. The Quaker, who objected to swearing any oath, was to come into the benefit of the Act by signing three documents, a declaration against Transubstantiation, a promise of fidelity to the government,

and a confession of his Christian belief, more especially in the divinity of the Son and of the Holy Ghost, and in the inspiration of the Scriptures.

"Such were the terms on which the Protestant Dissenters of England were, for the first time, permitted by law to worship God according to their own conscience. They were very properly forbidden to assemble with barred doors, but were protected against hostile intrusion by a clause which made it penal to enter a meeting-house for the purpose of molesting the congregation.

"As if the numerous limitations and precautions which have been mentioned were insufficient, it was emphatically declared that the legislature did not intend to grant the smallest indulgence to any Papist, or to any person who denied the doctrine of the Trinity as that doctrine is set forth in the formularies of the Church of England."*

Such was the famous Toleration Act of 1689, long and often spoken of as "the Great Charter of religious liberty." Few, it is believed, will now dissent from such estimates of it as those of Hallam and Lord Macaulay. "We may," says the former, "justly deem this a very scanty measure of religious liberty."† "It," says the latter, "will not bear to be tried by sound general principles. Nay, it will not bear to be tried by any principle, sound or unsound. The sound principle undoubtedly is, that mere theological error ought not to be punished by the civil magistrate. This principle the Toleration Act not only does not recognise, but positively disclaims. Not a single one of the cruel laws enacted against Nonconformists by the Tudors or the Stuarts is repealed. Persecution continues to be the general rule. Toleration is the exception. Nor is this all. The freedom

* MACAULAY'S *History of England*, iii. 84.

† *Constitutional History of England*, 723.

which is given to conscience is given in the most capricious manner. A Quaker, by making a declaration of faith in general terms, obtains the full benefit of the Act, without signing one of the Thirty-nine Articles. An Independent minister, who is perfectly willing to make the declaration required from the Quaker, but who has doubts about six or seven of the Articles, remains still subject to the penal laws. Howe is liable to punishment if he preaches before he has solemnly declared his assent to the Anglican doctrine touching the Eucharist. Penn, who altogether rejects the Eucharist, is at perfect liberty to preach without making any declaration whatever on the subject.”*

Yet, very faulty as it was, the Toleration Act effected a mighty and beneficent revolution. If it did not destroy religious tyranny, it gave it a wound which would ultimately prove deadly. It muzzled the monster, so that it could no longer rend and devour as it had done. It legalised the profession and the practice of the religion of the Protestant dissenters, according to the dictum of Lord Mansfield: “The Toleration Act rendered that which was illegal before, now legal; the dissenting way of worship is permitted and allowed by the Act; it is not only exempted from punishment, but rendered innocent and lawful; it is established; it is put under the protection, and is not merely the connivance of the law.” “It put an end . . . to a persecution which had raged four generations, which had broken innumerable hearts, which had made innumerable firesides desolate, which had filled the prisons with men of whom the world was not worthy, which had driven thousands of those honest, diligent, and God-fearing yeomen and artizans, who are the true strength of a nation, to seek a refuge beyond the ocean, among the wigwams of Red Indians and the lairs of panthers.”†

* MACAULAY'S *History of England*, iii. 86.

† *Ibid.*, iii. 87.

That the Act should be odious to Anglican High Churchmen was a matter of course. Their doctrine was "Liberty of Conscience and toleration are things only to be talked of and pretended to by those that are under; but none like or think it reasonable that are in authority. 'Tis an instrument of mischief and dissettlement, to be courted by those who would have change, but no way desirable by such as would be quiet, and have the government undisturbed. For it is not consistent with public peace and safety without a standing army; conventicles being eternal nurseries of sedition and rebellion." "To strive for toleration is to contend against all government. It will come to this; whether there should be a government in the Church or not; for if there be a government, there must be laws; if there be laws, there must be penalties annexed to the violation of these laws; otherwise the government is precarious and at every man's mercy; that is, it is none at all." * But, surely, the Act would fill the whole Nonconformist camp with rejoicing! No: there is at least one large exception to be made: to true-blue Presbyterians, to the faithful adherents of the Westminster Standards, the Act was little, if any, less odious than it was to Anglican High Churchmen! They hated it, not because of the measure of religious liberty which it extended to themselves: all parties were always for liberty to themselves; and they were the more fervently zealous for it when they "were under:" but they were all against allowing it to others. Each was for a monopoly of it; and because William and Mary did not give our fathers a monopoly of it, their chagrin was bitter, and their murmurs deep, if not loud.

"The Scotch Presbyterians, for a time at least, were so annoyed that William would not allow them to persecute the Prelatists, that they ceased to remember how, till he came,

* *The Zealous and Impartial Protestant*, 30, 33.

the Prelatists had been hounded on to persecute them. Posterity is more just. The tolerance William preached to the Scotch Church in letters, and imposed on it by Acts of Parliament, now shines as one of the brightest jewels in his crown." *

The General Assembly which met in March 1703 had a letter from the Queen, exhorting to a good spirit toward other Protestants in the land. "The Assembly demurred to the royal sentiments. They afterwards voted an address in which they spoke out more plainly. They informed her Majesty that Presbytery was agreeable to the Word of God and the only government of Christ's Church in the kingdom, and they complained that the Episcopal ministers transgressed the law of the land by preaching, by despising sentences of deprivation, by invading settled churches, by intruding into vacant churches, by baptising and marrying in a clandestine way. In short, the Episcopalians were doing precisely what the Presbyterians had ventured to do when they were a persecuted remnant. Then the Episcopalians complained of the Presbyterians; now the Presbyterians complained of the Episcopalians. The Assembly was about to proceed further, gathering courage from success. They had prepared the draft of an Act for asserting the supremacy of Christ, the intrinsic power of the Church, and the divine right of Presbytery, when the Commissioner interfered, and abruptly dissolved them." †

It was not till the next reign that toleration was formally extended to Scotland. Queen Anne's Toleration Act was passed in 1712 in favour of Episcopalian dissenters in Scotland. They were suffering the effects of their Jacobitism, and of their cruel persecutions under the last two Stuarts.

* CUNNINGHAM'S *Church History of Scotland*, ii. 327.

† *Ibid.*, ii. 329, 330.

Their religion, though established to the south of the Tweed, lay under the ban of the State to the north of it. The public exercise of it was forbidden by law. It might not be publicly preached, nor might any of the ordinances of it be publicly administered. Its ministers, moreover, by the Act against irregular Baptisms and Marriages, could not baptise a child or marry a couple without being liable to perpetual imprisonment or exile.

Anne's Toleration Act was, according to the letter of it, for Episcopalians alone : it relieved them from this intolerable oppression : but, from the first, it was so liberally construed, that all other Scotch Nonconformists lived and worshipped as their consciences dictated, under the shadow of it ; and it is to this day the charter of their liberty, such as it is : for what Burke said of "connivance" may be said of toleration, "It is the relaxation of tyranny, and not the definition of liberty."

The Act was occasioned by a very instructive and pertinent bit of history. Since the memorable day when Janet Geddes hurled her stool at the Dean's head in St. Giles', Episcopalians in Scotland had not used a liturgy in their worship : but some of them now resolved to make use of the English Service. The Rev. James Greenshields was the first to hazard the experiment. The Bailies of Edinburgh forthwith dislodged him from his church in the Canongate ; the Dean of Guild drove him from his hired house at the Cross ; and as he was persisting in his rebellion in a second hired house, the Presbytery of Edinburgh summoned him to their bar : found him guilty of "corrupting the purity and uniformity" of worship established by law, of "running unsent," not having their license, and of high contempt in declining their jurisdiction ; forbad him, therefore, the exercise of his ministerial functions, and remitted

the sentence for execution to the magistrates of the city, who called Greenshields before them, and, because he would not obey the Presbytery, threw him into gaol.

The prisoner brought his case by bill of suspension into the Court of Session, which refused his bill; but his pestilent example proved contagious. Others read the English Service: not only so, they were daring enough to robe, to walk in procession, and to read the Office for the Dead at the grave; and when summoned before the Presbyteries for so doing, they declined their jurisdiction. The dominant Presbyterians, mortified and enraged, beat the drum ecclesiastic in their churches and courts; complained to the Lord Advocate; and "endeavoured even to put a stop to the reading of the English liturgy by English chaplains to English regiments which were stationed in Scotland. The officers, disgusted at their intolerance, justly complained that they had not the liberty of worship in this Presbyterian country which was allowed them in the most bigoted Catholic ones." *

Greenshields' case was finally appealed to the House of Lords, which reversed the decision of the Court of Session, and found the magistrates of Edinburgh liable in costs. "It was a most righteous judgment; but it gave deep offence to the great body of the Presbyterians, who could not brook within the bounds of Scotland any form of worship but their own." †

"WHO COULD NOT BROOK WITHIN THE BOUNDS OF SCOTLAND ANY FORM OF WORSHIP BUT THEIR OWN!" Language could not better describe thorough-paced persecutors in principle and in practice. More or worse could not be affirmed of Romanists in their palmyest days. "WHO COULD

* CUNNINGHAM'S *Church History of Scotland*, ii. 346, 347.

† *Ibid.*, ii. 349.

NOT BROOK WITHIN THE BOUNDS OF SCOTLAND ANY FORM OF WORSHIP BUT THEIR OWN!" These words ought to be printed in capitals, and hung up in the studies of the partisans who prate about our Presbyterian fathers, even of an earlier date by more than half a century, as the friends and advocates of religious liberty, and as having laid the foundations of it deep and strong in their symbolic books! And sad it is to find among these the honoured name of Lord Moncrieff, with whom the *Scotsman* of November 19th, 1869, commenting on a speech just delivered by his lordship, thus deals: "It is against these same Covenanters that Lord Moncrieff stumbles, in a fashion happily foreign to his usual grace and steadiness of carriage. His *lapsus* is the more provoking that his lordship's attention has been drawn before to the danger which he constitutionally incurs in this quarter. But it seems that, if a post is only painted of a deep enough Presbyterian blue, he considers himself bound to go up and knock his head against it. He still maintains that the Covenanters were the fathers of toleration; and if he would be content to say"—[I crave special attention to this solution of the problem which has stumbled not a few: it is mainly to bring this solution before the reader that I make this long extract]—"that their struggles and sufferings in self-defence, which nobody denies to have been brave, and bravely borne, aided very greatly in the development, no historical critic would complain. But to allege that they were tolerant men, or would have been satisfied with mere toleration for themselves, is inconsistent with notorious facts. Their aim was supremacy for themselves, and no quarter to those who differed from them. Knox and his fellow-Reformers ordained that heresy—*i.e.*, dissent—should be punished with death; and the Covenanters bound themselves by oath to extirpate all heresy. Nothing

could have incensed them more than a proposal of toleration; and if their ghosts could hear how Lord Moncrieff compliments them, it would be a serious deduction from their felicity. It so happened that the people whom they would not have tolerated were equally intolerant, and for a time somewhat stronger, and in the inevitable collision of the two intolerances, toleration was developed through mutual weariness, much as heat is developed by the friction of two pieces of cold iron. Had the Covenanters been the stronger party, it is perfectly possible that we might have had to thank the other side for our religious freedom. As it is, we have reason to be grateful to them for resisting in their own case an oppression which they would have considered it a duty to apply to others, but that is no reason why people should be abused as 'thin critics' and 'poor and ignoble spirits' who 'bewail the bigotry of their great grandfathers' when it comes in their way. Surely bigotry is a thing to be bewailed. Had our great grandfather been only five feet high, there would have been no deplorable wickedness in refusing to call him a giant, nor any sublime virtue in alleging that he was; especially if his tailor's measurements and even articles of his actual raiment had come down to our times, conclusively establishing his dimensions."

Soon after the decision of the House of Lords in favour of Greenshields, the Toleration Bill was introduced into the Commons. After a preamble, asserting the frequent disturbance of Episcopalians in their religious assemblies, and the prosecution of their ministers for reading the English Service, and administering the sacraments according to the liturgy of the English Church, it proposed to enact, first, that it shall be lawful for them to meet and worship after their own manner, their ministers being ordained by Protest-

ant bishops, and taking the Oaths of Allegiance and Abjuration, and their meetings being held with open doors ; and it further enacted, that it shall be lawful for their ministers to baptise and to marry, repealing the Act already mentioned, which subjected them to bonds or banishment for so doing.

These are the provisions of the Toleration Act ; and all friends of religious liberty now unite in approving and extolling them. But how was it with the Standard Presbyterians of 1712 ? How did they savour the Bill when it was brought into the Commons ? It filled them with fear, and grief, and rage. The Commission of the Kirk sent up three of its principal men as deputies to offer the Bill all possible opposition ; which they did, happily in vain. “The Jacobites in Scotland, combined with the Episcopalians of England, were too powerful for them, and the Act in favour of toleration was passed. Episcopalians, whether belonging to the Church of England or to the Episcopacy of native growth in Scotland, were equally protected by the new law ; and they were exempted from all claim of jurisdiction on the part of the Established Church, whose power of inflicting ecclesiastical censures was described as confined to her own communion.

“The new law excited great dismay in Scotland. It was received by the General Assembly as not only threatening the overthrow of their Church, but as giving a large license to all errors and blasphemies, and throwing up all godly discipline to the dishonour of God, and the scandal and ruin of the true Christian religion.”*

This extract brings to view a clause of the Act which I had not noticed, viz., that confining the jurisdiction of the Kirk to her own members ; and there is in it another clause of equal importance to religious liberty. It declares that

* *Pictorial History of Scotland*, ii. 775.

Church censures are wholly spiritual, and deprives them of all civil effects. The magistrate was no more to enforce them with his pains and penalties. "The thunderbolt was wrenched from the Moderator's hand; the power of the sword in our country was now for ever separated from the power of the keys."* Blessed separation! and yet Principal Carstairs, one of the deputies alluded to above, strenuously objected to it; urging that it would so weaken Church censures that they would be disregarded and laughed at!

"The Toleration Act was only a measure of justice, but the Presbyterians regarded it as an undermining of the Established Church, as a licensing of schism, heresy, and sedition. Even good and holy men grudged the Episcopalians the liberty of religious worship which was awarded them. It is certain the Scottish Parliament could not have passed such a law. It was one of the benefits of the Union that legislation was now carried on in a serene region, far elevated above the storms which raged in the political and ecclesiastical atmosphere of Scotland. Men did not see that then, but we see it now. Narrow notions of Church polity and religious liberty had long reigned in the north; it was well that they were now forcibly widened by an influence from the south. The sister Churches of Great Britain have on more occasions than one rendered such service the one to the other. Toleration was now for the first time established in our country by law. Cromwell had previously preached it with a drawn sword in his hand."†

This, I may add, lay even beyond the range of the dangers which Scottish intolerance so sensitively dreaded at the time of the Union, and against which it vainly struggled to provide. It would then have fain recovered England from the

* CUNNINGHAM'S *Church History of Scotland*, ii. 355.

† *Ibid.*

grasp of Prelacy; but it did not dream of Prelacy being allowed to raise its mitred head on Scottish soil. "With regard to the Protestant Church, which was finally established at the Revolution in Scotland, where, from the first introduction of the Reformation, it had been fondly cherished by the majority of the nation, the vehemence of its intolerant spirit during a long period is well known. Its celebrated founder, John Knox, proclaimed the awful sentence, which was loudly re-echoed by his disciples, that *the idolater should die, the death*; in plain English, that every Catholic should be hanged. The bare toleration of Prelacy, of Protestant Prelacy, was the guilt of soul-murder. It was this Church that framed the Solemn League and Covenant for the extirpation of Prelacy by the sword, and enjoined it to be subscribed by all persons, under pain of excommunication. And during the negotiations for the Union, it was this Church, who, in a formal petition, besought the Parliament of Scotland, that 'as they would not involve themselves and the Scots nation in guilt,' they would not consent to the establishment of the English hierarchy and ceremonies—where? in Scotland?—that was perfectly understood—But no, not even in England!"*

Such is the light which their adherents, in the first quarter of the eighteenth century, shed on the principles of the Westminster Standards; and I may add here, that the case of Aikenhead, in 1696, had shed the same light on them. A student of eighteen, he had imbibed and vented infidel sentiments, for which he was indicted before the High Court of Justiciary, and condemned and executed. This was law then, and our fathers in Church and State heartily approved of it. Would that their descendants, who boast of holding their principles without qualification, would only try to

* *Edinburgh Review*, Feb., 1816.

put these principles in execution! There is no lack of avowed infidels in these "last days" for the gallows or the stake. "Although the Church," says one, writing to put Aikenhead's murder as favourably for the clergy as possible, "took no part in the proceedings, yet something of the disgrace attaches to her, for many of her ministers approved of the sentence, and none of them made any effort to stay its execution."* But perhaps Cunningham puts it as fairly when he puts it a little more strongly against the clergy, thus: "It was in vain that the poor lad, with death before his eyes, recanted his errors, and begged for his life. Even a reprieve for a few days was denied him; and the clergy of the city, forgetful that their great Master was ever ready to pardon the penitent, gave their voice for his death. He died with the Bible in his hand, in token of his change of mind. It is a painful incident in the history of intolerance, but it is the last of the kind which happened in our country. No man has since been called to die for his faith."†

I feel that it is superfluous to pursue further the history of the eighteenth century. Otherwise there is much that might be extracted from it, sustaining Rowland Hill in his "Journal of his Scottish Tour in 1798," in which he reports that all Churches in Scotland were chargeable with intolerance and bigotry, and avers that the Solemn League and Covenant was more persecuting than the Act of Uniformity!

The annals of the Sectaries (I use the speech current at the period), as well as those of the Kirk and nation, shut one up to this conclusion. The chief of the Sectaries in Scotland were the Reformed Presbyterians and the Seceders; and in justice to my argument I must glance at the annals of both.

* *Pictorial History of Scotland*, ii. 755, 756.

† *Church History of Scotland*, ii. 313, 314.

The former I reckon the true successors and representatives of the Church both of the First and of the Second Reformation. Their claims to this honour, which so many have arrogated, appear to me to be paramount. How, then, do they interpret the Westminster Standards? What, according to them, are the principles of these Books, as bearing on religious liberty. Their old Testimony, the third edition of which, printed in 1777, is before me, is a sure guide to the answer to this question.

A glimpse has been given of the great service which Cromwell, with a strong hand, did to religious freedom: but the greater the service, the more, in the view of the Reformed Presbyterians, did he *deform* "our covenanted Reformation, as attained to, and established in Great Britain and Ireland, between 1638 and 1649," "breaking down the carved work of the sanctuary;" and their censure of him is proportionately severe. "The Lord, in his righteous displeasure and controversy with the nation, for betraying of His cause and interest into the hand of His enemies, sold them into the hand of that conquering usurper, Oliver Cromwell, who, having stripped them of their civil liberties, as the most effectual method to rob the Church of her spiritual privileges, and nullify the forcible obligation of the sacred Covenants (which when preserved, serve as a strong barrier against all such usurpations), framed a hellish and almost unbounded toleration in Scotland, of heretical and sectarian errors, for gratification of the abettors thereof, which was followed with a deluge of irreligion and impiety, drowning the nation in a still deeper apostacy."*

How far the alleged "deluge of irreligion and impiety" belies historic truth, Kirkton, an excellent authority, will enable the reader to judge. "It is true," says he, writing of

* *Testimony*, 23.

the Commonwealth men, "that they did not permit the General Assembly to sit (and in this I believe they did no bad office, for both the authority of that meeting was denied by the protesters, and the Assembly seemed to be more set upon establishing themselves than promoting religion); also the division of the Church between protesters and resolvers continued for six or seven years with far more heat than became them; and errors in some places infected some few; yet were all these losses inconsiderable in regard of the great success the Word had in sanctifying the people of the nation; and I verily believe there were more souls converted to Christ in that short period of time than in any season since the Reformation, though of triple its duration. Nor was there ever greater purity or plenty of the means of grace. Ministers were painful, people were diligent. So, truly, religion was in this time in very good case, and the Lord present in Scotland, though in a cloud." He further says, of the state of things at the Restoration: "At the King's return every parish had a minister; every village had a school; every family almost had a Bible; yea, in most of the country all the children of age could read the Scriptures, and were provided of Bibles either by their parents or ministers. Every minister was a very full professor of the reformed religion, according to the large Confession of Faith framed at Westminster. None of them might be scandalous in their conversation, or negligent in their office, so long as a presbyterie stood. I have lived many years in a parish where I never heard an oath; and you might have ridden many miles before you heard any. Also, you could not, for a great part of the country, have lodged in a family, where the Lord was not worshipped by reading, singing, and public prayer. Nobody complained more of our Church government than our taverners, whose ordinary lamenta-

tion was, their trade was broke—people were become so sober.”*

The Reformed Presbyterians brand in like terms “the indulgences and tolerations” of Charles and James; characterising them as “wicked and boundless,” “antichristian and blasphemous;”† “flowing from that wicked fountain, a Christ-dethroning supremacy;” as if it were a Christ-enthroning supremacy for kings to take His place, and to prescribe the faith and worship of their subjects, and to enforce the prescription, under all civil pains: the faith and worship to be prescribed and enforced being, of course, those of the Reformed Presbyterians.

The Revolution settlement is denounced by these faithful witness-bearers, for these reasons among others: because William and Mary were not required to swear the Covenants; because they were not bound to force their subjects in the three kingdoms to swear them; and because all the persecuting laws passed between 1638 and 1649, and rescinded at the Restoration, were not re-enacted at the Revolution. Excellent reasons, verily, for denunciation and lamentation! “The Presbytery do testify against the settlement of religion made at the Revolution, and that in these particulars following: Instead of abolishing Prelacy in England, as it had been abjured in the Solemn League and Covenant, etc., it was then, with all its Popish ceremonies, anew secured,” etc. “As to the settlement of religion in Scotland, the Presbytery testify against it, Because it was a settlement, which, instead of homologating and reviving the Covenanted reformation between 1638 and 1650, in profession and principle, left the same buried under the infamous Act rescissory, which did, at one blow, rescind and annul the whole reformation, and

* *History of the Church of Scotland*, 63, 64.

† *Testimony*, 47, 56, 62.

authority establishing the same," etc. "If the settlement of religion, made in 1690, had revived and ratified the authority of our reforming Parliaments, and laws made by them, then, as these obliged the King to swear the Covenants before his coronation, and all ranks to swear them, and obliged to root out malignancy, sectarianism, etc., and to promote uniformity in doctrine, worship, discipline, and government, in the three nations: so the Revolution settlement would have obliged all to the practice of the same duties, and that, before ever the King or any under him, could have been admitted to any trust; which all that would not comply therewith, would have been held as enemies, not only to religion, but to their King and country also, as was the case when reformation flourished."*

Anne's Toleration Act is, as I have said, the charter of all the religious liberty enjoyed by Scottish Dissenters at this day; and the Reformed Presbyterians fulminate thus against it: "The Presbytery testify against a sinful and almost boundless toleration, granted *anno* 1712, a woful fruit of the Union: By which Toleration Act, not only those of the Episcopal communion in Scotland have the protection of authority, but a wide door is cast open, and ample pass given to all sects and heretics (Popish recusants and Antitrinitarians some way excepted, who yet are numerous in the nation), to make whatever attacks they please upon the kingdom and interest of our glorious Redeemer, in order to the advancement of their own, and the devil's, and all with impunity. The foresaid Act warrants the Episcopal clergy publicly to administer all ordinances, and perform their worship after their own manner, with all the Popish canons and ceremonies thereof, and obliges all magistrates to protect and assist them, while it destroys the hedge of Church

* *Testimony*, 66, 67, 69.

discipline against the scandalous and profane, and is therefore a settling and establishing of Prelacy in Scotland, giving it a security, little, if anything, inferior to that which the Established Church has. Again, by a clause in the Toleration Bill, the security given by former laws to Presbyterian Church government and discipline, is undermined and taken away, at least rendered ineffectual, and made the subject of ridicule to the openly profane, by the civil magistrate's withdrawing his concurrence, inasmuch as it declares the civil pain of excommunication to be taken away, and that none are to be compelled to appear before Church judicatories. There is nothing in religion of an indifferent nature; 'For whosoever (saith Christ) shall break one of the least of these commandments, and shall teach men so, shall be called least in the kingdom of heaven.' It must then be the most daring wickedness, and an affronting of the Majesty of heaven in the highest manner, for an earthly monarch to pretend to enact a toleration of religions, and thereby give a liberty where the Divine law has laid a restraint; it implies an exalting of himself, not only to an equality with, but to a state of superiority above the GOD of glory. Whatever principles are of Divine authority, require no toleration from man; it is wickedness to pretend to do it, seeing whatever comes under the necessity of a toleration, properly so called, falls at the same time under the notion of a crime. And no less wicked is it for a magistrate to protect, by a promiscuous toleration, all heretics, heresies, and errors; yea, it is a manifest breach of trust, and plain perverting the end of his office, seeing he is appointed to be *custos et vindex utriusque tabulae*, intrusted with the concerns of God's glory, as well as the interests of men. Experience has in every age taught, that a toleration of all religions is the cut-throat and ruin of all true religion: It is the most effectual method

that ever the policy of hell hatched to banish all true godliness out of the world : But however manifold the evils be that toleration is big with, this Church, instead of opposing, seems to have complied therewith, and to be of toleration principles," etc.*

Equally thorough is what may be called the Doctrinal part of this Testimony; in which they set their *imprimatur* on the interpretation I have given of the Confession and the Larger Catechism, and also of the Scottish Coronation Oath.

So the Old Dissenters interpreted the Standards of the Church of Scotland ; and the first Seceders set their seal on the fairness of the interpretation. They held the same anti-tolerant principles, and they appealed to the Westminster Confession and the Larger Catechism in support of them. So their Judicial Testimony sadly shows. It is superfluous to occupy room with quoting from it, as the quotations which I should make would be quite equivalent in import, and often identical in terms, with those which I have just made from the Testimony of the Reformed Presbyterians.

On the testimony of both against toleration, I shall conclude this chapter with a single remark. "An almost boundless toleration." So the Reformed Presbyterians said of Cromwell's Toleration ; and my fathers said the same of Queen Anne's. It would seem from this that their condemnation was directed against the boundlessness of the toleration, as much as, if not more than, against the toleration itself : and this apology has been offered by some for the revolting intolerance of these witness-bearers. My single remark is, that neither of the tolerations in question was "boundless." Cromwell's Toleration Act expressly excepted Papists, Prelatists, and such as, under a profession of Christ, hold forth and practise licentiousness. Anne's Toleration Act was for

* *Testimony*, 97, 98.

behoof only of Episcopalian dissenters : it was only by a generous construction that it was made to extend to any others ; and so far was it from being extended to all, that it required special legislation to repeal scandalously intolerant statutes, under which the Roman Catholics were still suffering ; and when a proposal to repeal them was made in 1778, it evoked such frenzied opposition as broke out in destroying the property and burning the houses of those who were in favour of it.

It has been alleged, I am aware, that it was for their political principles, and not for their religion, that Papists, Prelatists, etc., were denied the toleration that was granted to others. Were this true it would follow that, whatever they suffered, they were not persecuted ; persecution being punishment on religious grounds. But it is not true : the allegation cannot be made good. I have already admitted that something plausible might be said against Popery as incompatible with true loyalty ; and for this reason the celebrated Locke was against the toleration of it. But the same cannot be said of Prelacy : there is nothing in it that is essentially seditious or rebellious. Yet Cromwell expressly excepted Prelatists in his Toleration. Much less can any such thing be said of Socinianism ; some of whose chief apostles have a high place among the best friends of civil and religious liberty, whose names adorn the annals of our country. Yet William expressly excepted anti-Trinitarians in his Toleration Act. These things make it very evident that the tolerant legislation referred to proceeded on the assumption which lies at the root of all persecution, viz., that “the civil magistrate hath authority, and it is his duty,” to look after the religious creed and conversation of his subjects ; that he is to give law to them, to the effect that they are to be sound in the faith and holy in life ; and that he is to

inflict condign punishment on the transgressors of the law he gives : so condign that he cannot suffer them in, but must root them out of, his dominions. Therefore Papists were excluded from toleration, as even Milton contended that they ought to be, their religion being idolatry.* Therefore Socinians were excluded from toleration, their religion being damnable heresy. And therefore libertines were excluded from toleration, their works being a denial of the Christ in whom they professed faith.

* See his *Treatise Of True Religion, Heresy, Schism, Toleration*, first published so late as 1673.

CHAPTER IX.

CONCLUSION.

THE pamphlet which I meditated in beginning these sheets has swelled into a small volume. The discussion gone into has filled more space than I had originally calculated. I have also indulged more largely than I had at first thought of in historical proofs and illustrations. As these came before my own mind in the course of my investigations, I felt a growing sense of their importance. It appeared to me that they were really more pertinent and conclusive than anything else which I had to say ; and that comparatively few readers are now-a-days well acquainted with them, or have easy access to the sources in which they are to be found. I was therefore induced to give them the more copiously, under the impression that, if I was thereby increasing the size of my treatise, I was more than proportionally increasing the value of it.

A primary object with which I began was to do some small service to the United Presbyterian Church, by showing that we have good reason for the clause in our Formula, by which we qualify our adherence to the Westminster Standards. For that clause we have, of late years more especially, had to bear much reproach. We have been represented as vilifying the Standards, and the memory of their compilers ; as apostates from the principles of the Reformation, and

enemies against them ; and as paving the way for turning the ethics of creed-subscription into a riddle and a snare ! I wished to make a contribution to stop the mouth of all such uncharitable and malignant vituperation ; and I humbly hope that I may have written something calculated to produce this effect. Till some fair, honest endeavour is made to meet what I have written, I shall hold all such censors as bearing false witness against their neighbour ; and I shall look on my Church as having done itself an enviable honour, in relaxing adherence to the Westminster Books to this extent : “ it being understood, that you are not required to approve of anything in these documents which teaches, or is supposed to teach, compulsory or persecuting and intolerant principles in religion.”

But I trust that my little work may help to serve other good ends. I meant it to be a contribution to religious liberty, as well as a vindication of the Church of which I have been long an unworthy minister. On the altar of liberty I lay it ; and I shall rejoice if it is the means of advancing in any degree that great and sacred cause. I fondly regard it as somewhat adapted to have this effect also. I should think that it can hardly be read and pondered by any ingenuous person without commending that cause to him ; without warming his love of liberty, fanning his zeal for it, and raising his heart in the aspiration that the day may be hastened when human authority shall be shut entirely out of the domain of religion, and He alone shall rule there, whose service is perfect liberty, and who hath said, “ If the Son shall make you free, ye shall be free indeed.” That blessed day is assuredly coming ; and there is, year by year, growing encouragement to pray and work for its advent.

Now, faster than ever before, is that day approaching : to hinder it, to do what would retard it, is, whether men think

of it or not, a very heinous thing : and what else, pray, are Churches doing, which, in the midst of the light of the latter half of the nineteenth century of the Christian era, are clinging to persecuting Standards? Would that the Presbyterian Churches of the country were persuaded timeously and duly to consider this! If I have any discernment of the signs of the times, to do so is eminently present duty. Their present position in regard to the Westminster Standards cannot, I believe, be long maintained ; and the sooner they set about preparing to alter it, the better for themselves, and for all the interests involved.

How stands the Established Church in relation to the Westminster Standards? It adheres to the "whole doctrine" of them. Now, in doing so, it does what it is not lawful for it to do. That "doctrine" is persecuting ; and, in as far as it is persecuting, it has been repealed ; largely, though not wholly, repealed. It has been repealed by the Toleration which has been adopted into the legislation of the country, since the Confession of Faith was framed, and made the law of the land. It is not the Confession which Parliament ratified in 1647, but that Confession as modified by the Toleration Act, and by other like legislation, that is now the law of the land. It is not lawful now for the civil magistrate to "proceed by his power against" the errorists in religion described in the Confession, Chapter xx. 4, if they are good and peaceable subjects. It is not lawful now for the civil magistrate to "take order that all blasphemies and heresies be suppressed," etc. (Confession, Chapter xxiii. 3). And is it fit that the office-bearers of the Established Church should be professing adherence to doctrine which the law of the land has proscribed? Is it fit that they should thus set an example to others of rebellion against the law? Is it fit that they should be confessing that in matters of religion

Queen Victoria has a power to exercise, and functions to perform, of which the Legislature relieved the civil magistrate in this country more than a hundred and sixty years ago? And is it fit that they should be denying my right to profess my own faith and practise my own worship, because I am in their view an erring, schismatic person, after the law of the land has recognised that very right to be an unchallengeable and inalienable part of my birthright?

Again, adhering to the "whole doctrine" of the Westminster Standards, the Established Church adheres to what its own highest authorities and brightest luminaries, its Robertsons, Cooks, etc., have pronounced persecuting doctrine! And, surely again, it is not fit that it should be so. It is not decent. It is a "stumblingblock" of which the LORD says, "Take up the stumblingblock out of the way of my people" (Isa. lvii. 14). On every account it is most undesirable that such a state of things should continue; and in these times it can hardly be that it will continue long. Dr. John Cunningham of Crieff may enliven his pages, and delight the souls of his Highlanders, by prating about the intolerance of my fathers, the Erskines, and contrasting it with the tolerance of the Moderates of the last century! And he may display his own liberality, and do the handsome to the sons of the Erskines, by nice sentences on the great and happy change of view and of spirit which they have undergone. But people of sense and candour will only laugh at such fantastic tricks, when they remember that Dr. Cunningham's Church professedly adheres to the "whole" intolerant "doctrine" with which he taxes the Erskines, and for which there was some excuse in their day, while there is none now; and that this "whole" intolerant "doctrine" Dr. Cunningham himself has subscribed as the Confession of his Faith! Is there not a clamant necessity for some change

of position on the part of the Established Church toward these Standards?

How stands the Free Church in relation to the Westminster Standards? In a worse position, if possible, than the Established Church. The General Assembly of 1846 thought it "right to declare that, while the Church firmly maintains the same scriptural principles as to the duty of nations and their rulers in reference to religion and the Church of Christ for which she has hitherto contended, she disclaims intolerant or persecuting principles." Let the disclaimer be taken at its full value. Though it had been absolute—though it had not been qualified by what accompanies it—the making of it would not have been an honour at all peculiar to the Free Church. Even the Church of Rome does not own to holding persecuting principles; she, too, "disclaims" them. The Free Church disclaims them; declaring, however, in the same breath, that she "firmly maintains the same scriptural principles as to the duty of nations and their rulers in reference to religion and the Church of Christ, for which she has hitherto contended." Principal Cunningham drafted this deed, and we know what he meant by the "principles" in question; and the Assembly must, of course, have meant the same. He meant the principles "of Knox and the old Confession," in regard to the power in matters of religion which they ascribed to the civil magistrate, and the duty which they imposed on him. He meant also the principles "of the authors of our Second Reformation and of the Westminster Confession," ascribing to the magistrate, as he says they do, the same power, and imposing on him the same duty.* Now, after what I have written, I feel entitled and bound to say, that any person declaring in the one breath that he firmly maintains these

* *Discussions of Church Principles*, 263.

principles, and disclaiming in the next breath persecuting principles, does seem to me as one that mocks. I should be loath to say this of the Free Church ; but I do say, without any hesitation, that from the burden of owning and defending the principles of the Church of the First and Second Reformation, on the power and duty of the civil magistrate in religious matters, she will do well to deliver herself, and that the sooner she does so the better.

She “disclaims intolerant or persecuting principles, and does not regard her Confession of Faith, or any portion thereof, when fairly interpreted, as favouring intolerance or persecution, or consider that her office-bearers, by subscribing it, profess any principles inconsistent with liberty of conscience and the right of private judgment.” All this only makes her position the more awkward and untenable. It is, forsooth, by *unfairly* interpreting her Confession of Faith that I make it to favour persecution ! If only I, and such as I, were doing this, the Free Church might hear us as if she heard us not, treating us with silent contempt. But, alas ! the day for that has gone by. What said Dr. Cameron nearly three years ago (and the contagion has greatly spread since), on the floor of her Assembly ? He told her to her face (*see* pages 217-228) that I, and such as I, are the fair interpreters of her Confession, and that none of us really hold its principles, whatever we may profess ; that the question of religious liberty has made such progress in our country, that the Gillespies, the Rutherfords, etc., of the Westminster age would not now be received, with their principles, into the communion of the Free Church ; and that even the Woods and the Beggs of our age would not have been admitted, with their principles, into the communion of the Church of the Westminster Divines ! Nothing could have been more studiously and diametrically opposed

to the spirit and letter of the Declaratory Act of 1846 ; and yet this speech was received by the Assembly of 1870 with rapture ! as if the Assembly had rejoiced in the opportunity, not only of honouring the eloquent speaker, but of irreparably discrediting its own fourteen-year-old deed, and showing how far it had, in so short an interval, advanced beyond that “ Rest and be Thankful ! ” In this I also rejoice ; and yet such a state of things, in any Church, is not altogether convenient. It is high time that the Free Church were revising her Act of 1846, and her whole relation to the Standards on the subject of religious liberty. It is not for edification that, in any of her documents, the Free Church should profess faith in principles, her disregard of which her Assembly proclaims with a voice so great and so mighty as to shake the Castle Hill to its foundation !

And Principal Candlish does not mend matters : he rather makes them worse by telling us, that he “ could not remain in the Free Church of Scotland but for the shelter of that Act.” I could have imagined some small-pated Free Church brother, of the Libertine order, writing so ; but Principal Candlish attempting, for “ shelter,” to wrap his head in the cobweb of such an Act, is a subject for the pencil rather than the pen ! He would not, he says, have the shadow of a doubt that his Church’s Confession favours persecution, if it taught the same doctrine as the Larger Catechism teaches ; and he need not have, indeed, if he is amenable to inexorable logic, he cannot have, the shadow of a doubt that both teach the same doctrine.*

The truth is, that, on the question which I have been handling, the Free Church stands in a position towards the Standards which does not admit of being either defined or defended ; and, therefore, in speaking and writing of it, “ none of the men of might ” in her “ have found their

hands." A good reason, certainly, why that position should forthwith be reconsidered.

How does the Reformed Presbyterian Church stand in relation to the Westminster Standards? Very unsatisfactorily. "It is not pledged to defend every sentiment or expression" to be found in the Covenants and the Westminster Standards. This, I must take leave to say, is quite an inadequate qualification of its adherence to the Standards. It would be inadequate though only a tithe of the sentiments and expressions which I have been examining could be fairly impugned; and how utterly inadequate, then, must it be, if in my impugning I have kept within the limits of truth and justice?

But the Reformed Presbyterian brethren testify against "employing civil coercion of any kind for the purpose of inducing men to renounce an erroneous creed, or to espouse and profess a sound scriptural one;" and is not this all that could be desired? It is, if they do not approve of "civil coercion" for some other religious purpose than converting an errorist; as do some very orthodox hairsplitters on this question, who argue, for example, that though the magistrate's sword cannot convert a heretic, and ought not to be used for that end, it nevertheless may and ought to restrain a heretic from seducing others, and punish him for doing so. If I suspected that the above quotation from the Testimony of the Reformed Presbyterian friends was to be so understood, I should say, first, that our fathers of the Westminster era did employ "civil coercion" for the conversion of those who erred from the faith (see pp. 58, 59); and, second, that "civil coercion" in religion is persecution, whatever the specific object of it may be; whether it is to convert an errorist, as the civil magistrate may reckon him, or to deter him from, or to punish him for, perverting others. In either

case, he is punished on religious grounds, and every such man is persecuted.

How does the United Presbyterian Church stand in relation to the Westminster Standards? Not quite worthily, I must be permitted humbly to say. She does not affirm that these Standards teach persecuting principles in religion. She only makes this an "open question." She has, it appears to me, done this long enough. The time has come, I think, for changing her position, and changing her voice accordingly; testifying that the principles of these Standards are persecuting. This is what she believes; and fidelity to her own convictions, to her Lord, and to His cause, seems to me at least to require that her faith on this subject should be explicitly and openly avowed.

These things, I am well aware, are more plain than pleasant to the parties concerned; but, strange as the request may sound in the ears of some, I beg to be believed when I say that I write these things in the interests of Christian Union. It was, indeed, in the interests of Union that the thought of authorship on the subject I have been handling first occurred to me. It was to remove the obstruction to Union, which some had begun to talk of as lying in the qualification with which my Church receives the Westminster Standards. Since then the ten years' Union Movement has collapsed; but the history of the Movement has read us invaluable lessons, and to one of these I would now point.

Scottish Presbyterianism was once one: it was the vexed question of the civil magistrate's province and power as regards religion and the Church that divided it: and it is the same question that has frustrated recent negotiations for healing its divisions. Our differences on it, I am satisfied, are more imaginary than real; and, in so far as they are real, would

be seen, could we only understand one another, to be not great. Yet they have proved enough to perplex and stumble some good men ; and of the advantage that has been taken of them by others to serve their own policy I shall not trust myself to speak.

Let an immediate and strong effort to compose our differences on this vexed question be made. This, as I read late experience, is the great lesson it teaches. Till this is done, Union negotiations, though resumed, would, I fear, be but a beating of the air ; and those who travelled in them, however uprightly and zealously, would have sorrowfully to acknowledge, " These men, the sons of Zeruiah, be too strong for us." The future days will, I trust, be better than these ; but we look for too much if we expect that present representative men will be altogether extinct in the future. There will still be Moody Stuarts, piping to their fellows to dance for *establishment*, if *endowment* is, for the sake of Union, to be given up. There will be Nixons, bellowing that they care not a fig about either *endowment* or *establishment*, in the only sense in which these terms are now understood among us ; that is, the establishment and endowment in the land, not of the Church of Christ as a whole, but of one section of it merely.* And there will be Beggs, wilier

* " The false relations (to Christ's truth and kingdom) which rulers should avoid are various. . . . There is a fourth relation, which may be called a relation of favouritism towards particular Churches in the midst of others. This is manifestly opposed to the Word of Christ, according to which He loves, and therefore all who know His Word should own, all sections of His Church." " We (after the Disruption) reckoned existing Establishments to be incurably depraved and certainly doomed." " It is of great importance to notice and to remember what are our principles as to *establishment* and *endowment*. We do not hold that civil rulers ought formally and legislatively to adopt this or that section of the Church into the constitution of the country, and to attach

than all the rest, stumping the country with platitudes and cant phrases, which mean nothing, and commit them to nothing, and are only so much chaff to catch the gudgeons. And these men, such models of Union among themselves, would forbid the banns of Union in Scotland's divided Churches, till these Churches should see eye to eye *with them!* When this brotherhood of modern harmonists, whose harmony would consist in being at sixes and sevens on the very subject of their distinctive testimony—Church establish-

to it lots of privileges from which other sections of the Church are excluded. Nor do we contend for such an adoption of all sections of the Church. As little do we plead for full endowments to this or that Church, or to all Churches. We hold with the United Original Secession, in their Statement of 1827, that the duty of nations and their rulers who are favoured with true religion is, not only to embrace it, but to recognise and give countenance to the profession of it. We hold with Dr. Cunningham that it is competent to, and incumbent on, nations as such, and civil rulers in their official capacity, or in the exercise of their control over civil matters, to aim at the promotion of the honour of God, the welfare of true religion, and the prosperity of the Church of Christ."—(*The Two Meanings*. By the Rev. WILLIAM NIXON, Montrose, 8, 12, 14, 15.)

"It is of great importance to notice and to remember what are our principles as to *establishment* and *endowment*." Verily it is so, more especially after the change "our principles" have undergone since our change of position! When we were *in* the Established Church, that Church was, as it still is, "formally and legislatively adopted into the constitution of the country, and had attached to it lots of privileges from which other sections of the Church of Christ in the land were excluded." *Out*, we are against all such *establishment*: it implies a "false relation of favouritism which rulers should avoid, and which is manifestly opposed to the Word of Christ." When we were *in*, we were for "full endowments." Dependence on our people for sustentation we could not then brook: we denounced it as degrading, and inconsistent with pastoral fidelity. *Out*, we are otherwise minded. We plead no more for "full endowments;" or, indeed, for "endowments" at all, in the old and proper sense of the word. We plead only for

ment and endowment ; when they, by their tutorage, should have brought forward the Churches to agree *with them*, and to be ready to unite on the basis of *their* "Common Principles !" then, but not till then, would be seen "a sound scriptural union," or, as it has been still more pertinently and pleasantly phrased, "an union on the truth in love !"

History repeats itself; but it is not enough to deprecate the repetition of the sad chapter of it to which I refer: if it is to be prevented it must be provided against, and the way to do

State "aid" to the principle of self-support in the Church : we plead for that "aid" only where it is necessary: and we plead for it on terms which have been refused us by the State, and on which no State has ever yet given it. These "are our principles:" so Mr. Nixon says for himself and his Church ; and the intelligent reader will judge whether, in saying so, he does not report most gratifying progress.

All "existing Establishments incurably depraved and certainly doomed." A cardinal point of harmony, I suppose, between Mr. Nixon and Dr. Begg, one of the last men who fought in the ditch for the preservation of the late Irish Established Church ! Neither "one section of the Church" nor "all sections" of it to "be adopted" into the bliss of "*establishment and endowment*." A cardinal point, I suppose, of Mr. Nixon's harmony with himself ! He had the "lots of privileges" belonging to the adoption when he was in the Established Church. In leaving that Church he left on the table of the Assembly a famous protest, bearing that these "lots of privileges" were still rightfully his, to the exclusion, not only of Dissenters like me, but also of the Moderate "hirelings and intruders." Does he mean to tell us now that all the "favouritism" of which he was then the object was "manifestly opposed to the Word of Christ?" If he does, two things, among many others, are manifest: first, he ought immediately to withdraw his protest that he has any rightful claim to such sinful "favouritism ;" and, second, he ought to write a little more modestly and charitably. He has already come to see that views which he once held in opposition to Voluntaries were vitally wrong. What if he should live to see that views which he now holds in opposition to Voluntaries and Unionists are equally wrong? He should remember that there is at least a possibility of this. *Verbum sapienti!*

so is to me very clear. It is a revival of the Westminster Standards on the whole subject of the authority and duty of the civil magistrate in regard to religion and the Church. Let it first be settled what the teaching of the Standards on this subject really is. While that remains, as it is, matter of doubtful disputation among the adherents of the same Church, the different Churches need not approach one another about Union on the "basis of the common Standards." The attempt could only raise difficulties, and lead to endless wrangling, and gross abuse of the Standards: warring ecclesiastics turning them into a magazine of old tin, supplying them with pellets for shooting at one another!

I do therefore say, Let each Church settle for itself what the teaching of the Standards on this vexed question, "Of the Magistrate," really is. That being settled, it would not be difficult to settle whether, and how far, Scotland's Presbyterian Churches were adhering to that teaching. None of them, I am sure, would pretend to be adhering to it, as a whole. All of them, I am further sure, would take very much the same exceptions to it. Let what all excepted to be expunged from the Standards, so that they might express the actual and the common faith of Scotch Presbyterianism. Let the Westminster Standards be so revised. Only let this be done; and I feel strong confidence in saying, that it would prepare the way in Scotland for Christian Union, and for a much wider Union than has yet been attempted.*

* I am now deeply impressed with the conviction that a revision of the Standards is the only true policy. The majority of Scottish Presbyterians have already revised them virtually, as the Americans have done so actually. The virtual revision has issued in explanations of the sense in which they respectively understand certain portions of the Standards. These explanations are an incongruity. The Standards are themselves explanations; declarations of the sense in which their adherents understand Holy Scripture: and if they need explanations,

The Presbyterian Church in the United States of America had long ago made this very preparation for Union. Adhering to the Westminster Standards, as Presbyterian Scotland does, it had, when it had got the length of renouncing and disclaiming persecuting principles, expurgated its Confession of these principles. Hence the facility and felicity with which it lately effected a great Union. When its divided sections met about Union, *they* did not spend time, and subtlety, and strength, and temper, in debating with one another such questions about establishment and endowment as the Joint-Committee on Union in Scotland has debated for these ten years. These stumbling-blocks were put out of their way by the revision which their Standards had long before undergone. The blessed consequence was that, almost as soon as they looked one another in the face, they embraced as brethren; and so far as they are concerned, in these vast States the Lord is now one, and His name one.

And it is most admonitory and instructive, that it was by the same path, or by one quite parallel to it, that other Unions which have taken place have been reached. So it was in the Dominion of Canada and in the Colonies. The Presbyterian Churches in these had not published copies of the Confession with the clauses hostile to "Christian Liberty" and "Liberty of Conscience" expunged; but they were quite ready to do what was equivalent to this. And they did it when they met to treat for Union. They agreed frankly to declare that approval of such clauses should not be a term of fellowship in their United Churches. that is just saying that they have ceased to serve their purpose, and need to be revised and amended. Again, these explanations, instead of maintaining mutual concord and confidence in Churches, have been fertile of distrust, discord, and division. A revision of the Standards, might, I believe, be effected at less expense of love, and peace, and unity, than most explanatory and declaratory Acts usually cost.

Most significant it is, too, that even the small Union between the late Drs. M'Crie and Paxton, and the ecclesiastical fractions which they headed, was brought about in the same way, and could not otherwise have been brought about at all. The worthy Doctors differed on Church Establishments, the one being for them and the other against them. And how did they compose their difference, and get over the difficulty which it created? As Mr. Black of Kirkcaldy has of late so seasonably shown, it was by dropping Establishments out of the list of their professed principles; so that approval of these is not a term of fellowship in the United Original Secession Church. Establishments in the only form in which they exist among us (that is, the establishment of a sect, in place of the Church of Christ as a whole) are not in the Standards; but persecuting principles are certainly in them; and let all the Presbyterian Churches in Scotland agree that they shall be expunged from them. Let them one by one declare their willingness that this be done; and when Union negotiations are resumed, the occupation of the Mar-Unionmen will be found to be gone.

I have said that the Presbyterian Church in the United States has purged the Standards of their persecuting principles; and the change on them which this necessitated is marvellously small. It consists in the deletion of one clause of Chapter xx. of the Confession, and in the alteration of two paragraphs of Chapters xxiii. and xxxi. I shall put the change in parallel columns; and the smallness of it will be seen at a glance.

WESTMINSTER CONFESSION.

Chapter xx. 4. Of certain offenders, just described, it is said :

AMERICAN CONFESSION.

Chapter xx. 4. "They (the same offenders) may lawfully be called

WESTMINSTER CONFESSION.

"They may lawfully be called to account and proceeded against by the censures of the Church, and by the power of the civil magistrate."

Chapter xxiii. 3. "The civil magistrate may not assume to himself the administration of the Word and Sacraments, or the power of the keys of the kingdom of heaven: yet he hath authority, and it is his duty, to take order, that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed. For the better effecting whereof, he hath power to call Synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God."

AMERICAN CONFESSION.

to account, and proceeded against by the censures of the Church."

Chapter xxiii. 3. "Civil magistrates may not assume to themselves the administration of the Word and Sacraments, or the power of the keys of the kingdom of heaven, or in the least interfere in matters of faith. Yet as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord, without giving the preference to any denomination of Christians above the rest; in such a manner that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger. And, as Jesus Christ hath appointed a regular government and discipline in His Church, no law of any Commonwealth should interfere with, let or hinder, the due exercise thereof, among the voluntary members of *any* denomination of Christians, according to their own profession and belief. It is the duty of civil magistrates to protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretence of religion or infidelity, to offer any indignity, vio-

WESTMINSTER CONFESSION.

Chapter xxxi. I. "For the better government and further edification of the Church, there ought to be such assemblies as are commonly called Synods or Councils." 2. "As magistrates may lawfully call a Synod of ministers, and other fit persons, to consult and advise with about matters of religion ; so if magistrates be open enemies to the Church, the ministers of Christ, of themselves, by virtue of their office, or they, with other fit persons upon delegation from their Churches, may meet together in such assemblies."

I entreat a comparison of these two versions of the Confession ; and the American amendments I commend to earnest and ingenuous consideration. I ask two questions concerning them. The first is, Could any minor modification of it than these amendments effect bring the Westminster Confession into harmony with the principles of religious liberty? My answer is, Certainly not. So long as it reads that those who "publish or maintain" the "erroneous principles or practices" in religion, which it specifies in the twentieth Chapter, "may be proceeded against by the power of the civil magistrate ;" so long as it reads that the civil magistrate "hath authority, and it is his duty" to "proceed by his power" against such delinquents ; its adherents may talk and write as they like about its "consistency with liberty

AMERICAN CONFESSION.

lence, abuse, or injury to any other person whatsoever ; and to take order, that all religious and ecclesiastical assemblies be held without molestation or disturbance."

Chapter xxxi. I. "For the better government and further edification of the Church, there ought to be such assemblies as are commonly called Synods or Councils ; and it belongs to the overseers and other rulers of the particular Churches, by virtue of the office and the power which Christ hath given them for edification and not for destruction, to appoint such assemblies, and to convene together in them as often as they shall judge it expedient for the good of the Church."

of conscience, and the right of private judgment;" but the Confession will confront them, and laugh to scorn their apologies for it. The Book itself will rise up against them, to prove that the *fair* interpretation, forsooth, which they have palmed upon it, is a denial of the very letter of it. In our age, no veil can hide this much longer from such apologists. As I have had occasion to note, there are auspicious indications that the veil, hitherto blinding them, is rending. The Principal of the New College, Edinburgh, must have looked through a tolerably broad rent, when he shrunk from putting in, for the Confession, the plea of Not Guilty of teaching persecuting principles; and, also, when he pleaded Guilty for the Larger Catechism.

My second question is, Have the American amendments quitted the civil magistrate of any part of the duty which he owes to religion and the Church? My answer again is, Certainly not. These amendments have only relieved him of the obligation to "proceed against," *alias* to punish, *alias* to persecute for, "publishing erroneous opinions, or maintaining erroneous practices" in religion, which the Confession had imposed on him. But they say that, "as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord; in such a manner that all ecclesiastical persons whatever shall enjoy the full, free, and unquestionable liberty of discharging every part of their sacred functions, without violence or danger," etc. I beseech the reader—more especially the hostile reader—to read again, and digest, and ponder, the whole 3rd Section of Chapter xxiii. of the American Confession, which I have quoted above. And what more, pray, would he have the magistrate to do for religion and the Church than that section formulates? The magistrate, I conclude with confidently affirming, could do nothing more, *which the Westminster Standards*

would sanction, except to "statute and ordain" that there is in the realm "no other face of religion and of Kirk" but *his*, and that nonconformists thereto shall "be punished with manifold civil and ecclesiastical pains;" but, happily, it is upwards of one hundred and sixty years since religious liberty in Britain burst the bonds of all such "statuting and ordaining."

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E R R A T A.

For "Regent Moray," p. 29, *read* Earl Morton.

For "1846," p. 75, *read* 1648.

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